

EXHIBIT “D”

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GAIL COGGINS,

Plaintiff,

v.

Civil Action

DOLLAR TREE STORES, INC and

File No:

FAMILY DOLLAR STORES OF

1:20-CV-03912-

GEORGIA, LLC,

TWT

Defendants.

VIDEOCONFERENCE DEPOSITION OF
GAIL COGGINS

DATE: Thursday, January 7, 2021

TIME: 10:05 a.m.

LOCATION: Remote Proceeding

2306 Perch Place Southwest

Marietta, GA 30008

REPORTED BY: Susan Karetny, Notary Public

Job No. CS4369943

<p style="text-align: right;">Page 6</p> <p>1 by stenographic means; and</p> <p>2 - shall constitute written stipulation</p> <p>3 of such.</p> <p>4 At this time will everyone appearing</p> <p>5 remotely please identify yourselves for the record.</p> <p>6 MS. SADDLER: Daphne Saddler, counsel</p> <p>7 for Plaintiff Gail Coggins.</p> <p>8 MR. HANKINS: James Hankins for the</p> <p>9 defendant.</p> <p>10 MS. COGGINS: Gail Coggins.</p> <p>11 REPORTER: I'm sorry, could you repeat</p> <p>12 that?</p> <p>13 MS. COGGINS: Gail Coggins.</p> <p>14 MR. TIMMONS: And Kyle Timmons for the</p> <p>15 defendants as well.</p> <p>16 REPORTER: Thank you. Hearing no</p> <p>17 objections, I will now swear in the witness.</p> <p>18 Ms. Coggins, will you raise your right hand?</p> <p>19 WHEREUPON,</p> <p>20 GAIL COGGINS,</p> <p>21 called as a witness, and having been first duly sworn</p> <p>22 to tell the truth, the whole truth and nothing but the</p> <p>23 truth, was examined and testified as follows:</p> <p>24 REPORTER: Thank you. Counsel, you may</p> <p>25 proceed.</p>	<p style="text-align: right;">Page 8</p> <p>1 know and I'll try to rephrase the question to make it</p> <p>2 more clear to you, okay?</p> <p>3 A Okay.</p> <p>4 Q Ms. Karetny mentioned this, but let's try</p> <p>5 not to talk over each other, so please let me finish</p> <p>6 my question, and I'll extend you the same courtesy in</p> <p>7 terms of your answer. The reason is we want a clear</p> <p>8 transcript of today's deposition, and if we talk over</p> <p>9 each other, it may be hard for that testimony and my</p> <p>10 questions to be taken down, okay?</p> <p>11 A Mm-hmm.</p> <p>12 Q Do you understand, ma'am?</p> <p>13 A Yes.</p> <p>14 MR. HANKINS: Okay. Let's go ahead and</p> <p>15 get started. This will be the deposition of Gail</p> <p>16 Coggins taken pursuant to proper notice and agreement</p> <p>17 of counsel for all purposes allowed under the Federal</p> <p>18 Rules of Civil Procedure.</p> <p>19 Ms. Saddler, I would recommend that in</p> <p>20 terms of objections, we agree to reserve objections</p> <p>21 except those going to the form of the question or</p> <p>22 responsiveness of the answer until first use of the</p> <p>23 deposition if that is agreeable.</p> <p>24 MS. SADDLER: Agreed.</p> <p>25 MR. HANKINS: Okay. Great.</p>
<p style="text-align: right;">Page 7</p> <p>1 EXAMINATION</p> <p>2 BY MR. HANKINS:</p> <p>3 Q Ms. Coggins, how are you doing this morning?</p> <p>4 A I'm fine.</p> <p>5 Q Okay. Are you hearing me all right?</p> <p>6 A Yes.</p> <p>7 Q Okay, good. So obviously we're doing this</p> <p>8 via Zoom, and I've had sometimes issues in other</p> <p>9 depositions where someone doesn't hear me very well or</p> <p>10 there might be a delay in terms of, you know, what I'm</p> <p>11 saying and how it comes out on your end. If that</p> <p>12 happens, please let me know and I'm happy to try to</p> <p>13 repeat my question or speak up. And however you need</p> <p>14 to convey that message to me, let me know. Like, if</p> <p>15 you're not hearing me you can wave or whatever and</p> <p>16 I'll try to stop and we'll figure out what's going on,</p> <p>17 okay?</p> <p>18 A Okay.</p> <p>19 Q Okay. If you need to take a break I'm happy</p> <p>20 to let you do that. The only parameter I would say is</p> <p>21 that -- please answer whatever the last question is</p> <p>22 that I've asked of you, okay?</p> <p>23 A All right.</p> <p>24 Q If I say something that doesn't make</p> <p>25 sense -- and sometimes I ask bad questions -- let me</p>	<p style="text-align: right;">Page 9</p> <p>1 BY MR. HANKINS:</p> <p>2 Q Ms. Coggins, can you state your full name</p> <p>3 for the record.</p> <p>4 A Gail Elaine Coggins.</p> <p>5 Q What is your current address?</p> <p>6 A 2306 Perch Place Southwest, Marietta,</p> <p>7 Georgia, and the ZIP is 30008.</p> <p>8 Q How long have you lived at your current</p> <p>9 address?</p> <p>10 A Seventeen years.</p> <p>11 Q Okay. Who lives with you currently?</p> <p>12 A It's just me, my husband, and my</p> <p>13 granddaughter, and my grandson.</p> <p>14 Q Okay. Your husband's name is what?</p> <p>15 A Jack Coggins.</p> <p>16 Q And you mentioned two grandchildren. What</p> <p>17 are their ages?</p> <p>18 A One is 25 and one is 17.</p> <p>19 Q Okay. The 25-year-old, what's that child's</p> <p>20 name?</p> <p>21 A Marquise Hightower.</p> <p>22 Q Is Marquise in school or employed?</p> <p>23 A No. Marquise works.</p> <p>24 Q Okay. Where does he work?</p> <p>25 A I really can't -- I can't answer that. I</p>

<p style="text-align: right;">Page 10</p> <p>1 don't know. I don't know the name of the company.</p> <p>2 Q Okay. What type of profession is he in?</p> <p>3 A I can't answer that, sir.</p> <p>4 Q Okay. So in terms of what he does for a</p> <p>5 living, I'm talking about he's in the accounting</p> <p>6 field, he's in the tech field. You don't know?</p> <p>7 A No, I don't.</p> <p>8 Q Okay. What does your husband do for a</p> <p>9 living?</p> <p>10 A My husband is a truck driver.</p> <p>11 Q Okay. What company is he a truck driver</p> <p>12 for?</p> <p>13 A He's a self-contractor.</p> <p>14 Q Okay. Sounds like he owns his own business.</p> <p>15 Is that correct?</p> <p>16 A Yes.</p> <p>17 Q Okay. Does he have a name for the truck</p> <p>18 driving services he does for other companies and</p> <p>19 vendors?</p> <p>20 A Steady rock -- no, no. I can't think of his</p> <p>21 company.</p> <p>22 Q Are you still thinking, ma'am, or --</p> <p>23 A No. I don't know. I can't think of his</p> <p>24 company.</p> <p>25 Q Okay. So he's a truck driver, but you have</p>	<p style="text-align: right;">Page 12</p> <p>1 A No.</p> <p>2 Q You mentioned you have two sons that live in</p> <p>3 the Metro Atlanta area. What are their first names?</p> <p>4 A Dexter and Teon.</p> <p>5 Q Do you have any other children, so any</p> <p>6 children in addition to the two sons you just</p> <p>7 identified?</p> <p>8 A I have a son that's deceased.</p> <p>9 Q Okay. I'm sorry to hear that.</p> <p>10 So you've had a total of three children and</p> <p>11 one has passed away. Is that correct?</p> <p>12 A Yes.</p> <p>13 Q Okay. Do you belong to any churches?</p> <p>14 A Yes.</p> <p>15 Q Where do you attend?</p> <p>16 A Shy Temple.</p> <p>17 Q What's the first word you said?</p> <p>18 A Shy Temple.</p> <p>19 Q Shy Temple, okay. Where's that located?</p> <p>20 A Here in Powder Springs.</p> <p>21 Q Okay. Have you ever held any leadership</p> <p>22 positions at that religious institution?</p> <p>23 A No.</p> <p>24 Q How long have you been a member at Shy</p> <p>25 Temple?</p>
<p style="text-align: right;">Page 11</p> <p>1 no idea what the name of his company is. Is that</p> <p>2 correct?</p> <p>3 A Yes.</p> <p>4 Q Okay. How long has Jack been a truck</p> <p>5 driver?</p> <p>6 A About 40 years.</p> <p>7 Q You've identified your husband, your</p> <p>8 grandson, and then a granddaughter that reside with</p> <p>9 you. Has anyone else resided with you in your home</p> <p>10 since March of 2019?</p> <p>11 A No.</p> <p>12 Q I'm going to broaden out this question to</p> <p>13 the Metro Atlanta area. Other than the three family</p> <p>14 members we've spoken about, do you have any other</p> <p>15 family members that reside in the Metro Atlanta area?</p> <p>16 A Yes.</p> <p>17 Q Okay. Approximately how many?</p> <p>18 A My -- my whole family's here.</p> <p>19 Q Okay. So let's talk about last names of</p> <p>20 relatives of yours that live in the Metro Atlanta</p> <p>21 area. So please identify the last names of those</p> <p>22 family members.</p> <p>23 A I have two sons, Hightower.</p> <p>24 Q Okay. Any other last names other than</p> <p>25 Coggins or Hightower?</p>	<p style="text-align: right;">Page 13</p> <p>1 A About 10 years.</p> <p>2 Q Do you belong to any --</p> <p>3 MR. HANKINS: I'm sorry?</p> <p>4 REPORTER: I'm sorry to interrupt.</p> <p>5 Ms. Coggins, sometimes her answers are a little -- the</p> <p>6 audio's a little low. Could I get you to speak a</p> <p>7 little louder?</p> <p>8 THE WITNESS: Yes.</p> <p>9 REPORTER: Thank you.</p> <p>10 MR. HANKINS: It might help if you</p> <p>11 might -- if you need to move the device closer to you.</p> <p>12 I know that's worked for me in the past. The closer I</p> <p>13 am to the microphone, it seems to help, okay?</p> <p>14 BY MR. HANKINS:</p> <p>15 Q Do you belong to any civic organizations?</p> <p>16 A No.</p> <p>17 Q Okay. Please don't get offended. I ask</p> <p>18 this in every deposition. Have you ever been</p> <p>19 convicted of a crime?</p> <p>20 A No.</p> <p>21 Q Have you ever been arrested?</p> <p>22 A No.</p> <p>23 Q Are you currently employed?</p> <p>24 A No.</p> <p>25 Q What's the last job that you held?</p>

<p style="text-align: right;">Page 14</p> <p>1 A I was working for the police department, a</p> <p>2 school crossing guard.</p> <p>3 Q Which police department?</p> <p>4 A Here in Cobb County.</p> <p>5 Q Was it the Cobb County Police Department</p> <p>6 that you worked for?</p> <p>7 A Yes.</p> <p>8 Q How long did you work for the Cobb County</p> <p>9 Police Department?</p> <p>10 A Well, totally, I worked for them about seven</p> <p>11 or eight years, but I opened up my own business, so I</p> <p>12 quit, and I worked for myself for about 25 years, and</p> <p>13 then I went and -- went back to the police department,</p> <p>14 and I worked for them for about a year and a half</p> <p>15 until the accident happened.</p> <p>16 Q Okay. So I'm going to try to break that</p> <p>17 down. So, let's talk about the second period of time,</p> <p>18 the most recent period of time where you worked for</p> <p>19 the Cobb County Police Department, okay?</p> <p>20 A Okay.</p> <p>21 Q So kind of when did you start and when did</p> <p>22 you stop?</p> <p>23 A It was about a year and a half. I stopped</p> <p>24 on -- I -- I stopped on March the 7th when I had the</p> <p>25 accident.</p>	<p style="text-align: right;">Page 16</p> <p>1 A Yes.</p> <p>2 Q What was the name of the business?</p> <p>3 A First Step Daycare.</p> <p>4 Q And you were the owner of that business,</p> <p>5 correct?</p> <p>6 A Yes.</p> <p>7 Q Okay. What area of town did you operate and</p> <p>8 own that business in?</p> <p>9 A Here in Cobb County.</p> <p>10 Q In Powder Springs?</p> <p>11 A Yes.</p> <p>12 Q When did you stop operating that business?</p> <p>13 A I think it was 2012.</p> <p>14 Q I think you said earlier, you said you</p> <p>15 operated that business for 25 years. Is that correct?</p> <p>16 A About 20 or 20 -- 20 -- yeah, somewhere</p> <p>17 around there.</p> <p>18 Q So it sounds like from the late 1990s -- or</p> <p>19 I guess early 1990s through 2012 you operated the</p> <p>20 daycare business, First Step?</p> <p>21 A Yes.</p> <p>22 Q Okay. While you owned and operated First</p> <p>23 Step Daycare, did you have any other jobs?</p> <p>24 A No.</p> <p>25 Q Okay. From 2012 up to 2017 did you have any</p>
<p style="text-align: right;">Page 15</p> <p>1 Q Okay. So approximately sometime in 2017 it</p> <p>2 sounds like --</p> <p>3 A Uh-huh.</p> <p>4 Q -- you went back to the Cobb County Police</p> <p>5 Department. Is that correct?</p> <p>6 A Yes.</p> <p>7 Q Okay. And then your last day of employment</p> <p>8 with the Cobb County Police Department was in March of</p> <p>9 2019. Is that correct?</p> <p>10 A Yes.</p> <p>11 Q Okay. And your testimony is you never</p> <p>12 returned to work after the March 7, 2019, incident at</p> <p>13 Family Dollar. Is that correct?</p> <p>14 A Yes.</p> <p>15 Q Okay. Have you held any employment at all</p> <p>16 since March 7, 2019?</p> <p>17 A No.</p> <p>18 Q Okay. While you were working for the Cobb</p> <p>19 County Police Department from the latter half of 2017</p> <p>20 up through the day of our incident in March of 2019,</p> <p>21 did you hold any jobs other than the job at the Cobb</p> <p>22 County Police Department?</p> <p>23 A No.</p> <p>24 Q You said you ran your own business for you</p> <p>25 said over two decades. Is that correct?</p>	<p style="text-align: right;">Page 17</p> <p>1 jobs?</p> <p>2 A No, I didn't.</p> <p>3 Q Okay. Were you just unemployed or looking</p> <p>4 for work? What were you doing during that time period</p> <p>5 for work?</p> <p>6 A I had retired and closed my daycare down.</p> <p>7 Q Okay. What prompted you to get back in the</p> <p>8 workforce and start working for the Cobb County Police</p> <p>9 Department in 2017?</p> <p>10 A I just got bored and wanted to go to work.</p> <p>11 Q And then it sounds like if you worked for</p> <p>12 the Cobb County Police Department in total for seven</p> <p>13 to eight years, it sounds like you worked</p> <p>14 there -- prior to owning and operating First Step</p> <p>15 Daycare, you worked there, what is it, the late '80s</p> <p>16 through early '90s?</p> <p>17 A Yeah.</p> <p>18 Q What's your highest level of education</p> <p>19 completed?</p> <p>20 A Twelve.</p> <p>21 Q Okay. Did you attend high school in the</p> <p>22 Metro Atlanta area?</p> <p>23 A Yes.</p> <p>24 Q Okay. Where did you attend?</p> <p>25 A Marietta High School.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q Ever serve in the military?</p> <p>2 A No.</p> <p>3 Q Ever receive Social Security disability</p> <p>4 benefits?</p> <p>5 A Yes.</p> <p>6 Q Okay. When did you first receive Social</p> <p>7 Security disability benefits?</p> <p>8 A When I turned 70 -- when I turned 62.</p> <p>9 Q And you're currently how old?</p> <p>10 A Sixty-seven.</p> <p>11 MR. HANKINS: Okay. Let's go off the</p> <p>12 record real quick.</p> <p>13 REPORTER: All right. We're off the</p> <p>14 record at 10:20.</p> <p>15 (Off the record.)</p> <p>16 REPORTER: 10:22. We're back on the</p> <p>17 record.</p> <p>18 BY MR. HANKINS:</p> <p>19 Q Okay. So, ma'am, we just had a brief</p> <p>20 off-the-record discussion and you provided me your</p> <p>21 date of birth and Social Security number. Is that</p> <p>22 correct?</p> <p>23 A Yes.</p> <p>24 Q Okay. Now, I'm going to follow up on an</p> <p>25 earlier question that I asked before we took a break.</p>	<p style="text-align: right;">Page 20</p> <p>1 so meaning like you have a medical condition that</p> <p>2 allows --</p> <p>3 A No. I didn't have a medical, so maybe it's</p> <p>4 just Social Security.</p> <p>5 Q Okay. And let me finish my question, and</p> <p>6 I'm going to try to make sure you're understanding me.</p> <p>7 I think I understand what you're telling me, but let's</p> <p>8 just make sure, okay?</p> <p>9 So there is a difference between Social</p> <p>10 Security disability benefits --</p> <p>11 A Mm-hmm.</p> <p>12 Q -- some medical condition that prompted you</p> <p>13 to complete an application to receive Social Security</p> <p>14 benefits.</p> <p>15 A No, that wouldn't be it.</p> <p>16 Q All right. So that's the one type. The</p> <p>17 second type would be, is based on age you can receive</p> <p>18 Social Security, and also at a certain age you can</p> <p>19 receive Medicare benefits for your health insurance.</p> <p>20 I think you're describing to me based on your age you</p> <p>21 were able to apply to get your Social Security</p> <p>22 benefits early.</p> <p>23 A Yes.</p> <p>24 Q And after that explanation I gave you, is</p> <p>25 that what you're referring to?</p>
<p style="text-align: right;">Page 19</p> <p>1 So I earlier asked you about receiving Social Security</p> <p>2 disability benefits, and that was a question asking,</p> <p>3 you know, completing a formal application to receive</p> <p>4 disability benefits. So I'm just going to ask it</p> <p>5 again to make sure that you're understanding my</p> <p>6 question.</p> <p>7 Have you ever received Social Security</p> <p>8 disability benefits?</p> <p>9 A Yes, I have.</p> <p>10 Q Okay.</p> <p>11 A I didn't understand the question.</p> <p>12 Q Okay. When did you apply for disability</p> <p>13 benefits?</p> <p>14 A I think it was two thousand and I'm going to</p> <p>15 say twelve or thirteen. Somewhere around there when I</p> <p>16 retired.</p> <p>17 Q Okay. What was the medical condition that</p> <p>18 led you to apply for Social Security disability</p> <p>19 benefits?</p> <p>20 A Medical? I didn't have to have a medical.</p> <p>21 I turned 62 and I retired, and so I filed for it and I</p> <p>22 got it.</p> <p>23 Q I got you. So I'm going to follow up. I</p> <p>24 don't think you're understanding my question. So</p> <p>25 there is the ability to apply for disability benefits,</p>	<p style="text-align: right;">Page 21</p> <p>1 A Yes.</p> <p>2 Q Okay. So it sounds like you've never</p> <p>3 applied for Social Security disability benefits. Is</p> <p>4 that --</p> <p>5 A No, I haven't.</p> <p>6 Q Okay. But you are receiving Social Security</p> <p>7 benefits. Is that correct?</p> <p>8 A Yes.</p> <p>9 Q Just regular Social Security benefits.</p> <p>10 Okay.</p> <p>11 A That's for my age.</p> <p>12 Q Okay. So you said you started receiving</p> <p>13 Social Security benefits when you turned 62. Is that</p> <p>14 correct?</p> <p>15 A Yes.</p> <p>16 Q Okay. And that sounds like that was around</p> <p>17 the time you stopped owning and operating the daycare</p> <p>18 business. Is that correct?</p> <p>19 A Yes.</p> <p>20 Q Okay. Do you also receive Medicare for your</p> <p>21 health insurance?</p> <p>22 A Yes.</p> <p>23 Q Okay. When did you become Medicare</p> <p>24 eligible?</p> <p>25 A When I got my Social Security -- my -- yeah,</p>

<p style="text-align: right;">Page 22</p> <p>1 but I got the benefits, Social Security benefits.</p> <p>2 Q Since you went on Medicare, have you had any</p> <p>3 other type of health insurance policy?</p> <p>4 A No.</p> <p>5 Q Have you ever filed for bankruptcy?</p> <p>6 A Yes.</p> <p>7 Q Okay. How many times?</p> <p>8 A Probably twice.</p> <p>9 Q The most recent time you filed for</p> <p>10 bankruptcy, when was that?</p> <p>11 A Maybe about six years ago.</p> <p>12 Q Okay. And the time before that was I guess</p> <p>13 more than six years ago. Is that correct?</p> <p>14 A Yes.</p> <p>15 Q Okay. You're giving deposition testimony,</p> <p>16 so my question is, prior to today had you ever given a</p> <p>17 deposition before?</p> <p>18 A When I filed the bankruptcy I think so.</p> <p>19 Q Okay. Did you ever have to give a</p> <p>20 deposition in some type of personal injury case like</p> <p>21 this, like a slip and fall, car accident, anything</p> <p>22 like that?</p> <p>23 A No, no.</p> <p>24 Q Okay. When you worked for the Cobb County</p> <p>25 Police Department the most recent time, I guess, you</p>	<p style="text-align: right;">Page 24</p> <p>1 It wasn't like a full-time job. It was a part-time</p> <p>2 job.</p> <p>3 Q Okay. So it should like you were working</p> <p>4 approximately six hours a day. Was it five days a</p> <p>5 week?</p> <p>6 A Yes.</p> <p>7 Q Okay. So it sounds like on a weekly basis</p> <p>8 you were working around 30 hours. Is that correct?</p> <p>9 A Yes.</p> <p>10 Q Okay. Have you ever had to come -- file a</p> <p>11 claim for workers' compensation?</p> <p>12 A No.</p> <p>13 Q Okay. Ever injured on the job and needed to</p> <p>14 seek medical treatment?</p> <p>15 A No.</p> <p>16 Q Let's talk about car accidents. Have you</p> <p>17 ever been involved in a car accident either as a</p> <p>18 passenger or a driver?</p> <p>19 A No.</p> <p>20 Q Okay. What about any subsequent car</p> <p>21 accidents? And that question is basically asking</p> <p>22 about after the incident at Family Dollar in March of</p> <p>23 2019, were you ever a passenger or a driver in a</p> <p>24 vehicle that was involved in an accident?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 23</p> <p>1 know, the -- starting in late 2017 up through the time</p> <p>2 of the accident, how much -- how were you paid?</p> <p>3 A We was paid every two weeks.</p> <p>4 Q Okay. Were you paid an hourly wage? Were</p> <p>5 you paid by salary?</p> <p>6 A It was hourly.</p> <p>7 Q Okay. In March of 2019, what was your</p> <p>8 hourly wage that Cobb County Police paid you?</p> <p>9 A We made -- I brought home like hourly -- let</p> <p>10 me see. I don't know about the hours. I know we</p> <p>11 brought home like seven hundred and maybe seventy</p> <p>12 dollars every two weeks.</p> <p>13 Q Okay. So the amount you just identified,</p> <p>14 770, that was the amount that you got -- you cleared?</p> <p>15 It was the amount after it paid all the taxes?</p> <p>16 A Every two week, yes.</p> <p>17 Q Okay. But in terms of like 15 bucks an</p> <p>18 hour, 20 bucks an hour, do you know what your hourly</p> <p>19 wage was?</p> <p>20 A No, not really.</p> <p>21 Q Okay. But you believe you cleared about</p> <p>22 \$770?</p> <p>23 A Yes, because that's what my check was.</p> <p>24 Well, I only worked like three hours a day, three</p> <p>25 hours in the morning, three hours in the afternoon.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q Before submitting this claim for personal</p> <p>2 injury against my client, Family Dollar, had you ever</p> <p>3 submitted any type of personal injury claim before?</p> <p>4 A No.</p> <p>5 Q Prior to filing this lawsuit, had you ever</p> <p>6 been a party to a lawsuit?</p> <p>7 A No.</p> <p>8 Q Do you have a current primary care doctor?</p> <p>9 A Yes.</p> <p>10 Q Okay. And what's that doctor's name?</p> <p>11 A Dr. Huggins.</p> <p>12 Q I'm sorry, you broke up. Dr. Hoggis?</p> <p>13 A Michelle Huggins.</p> <p>14 Q Huggins, okay.</p> <p>15 A Yes.</p> <p>16 Q How long had Dr. Huggins been your primary</p> <p>17 care doctor?</p> <p>18 A Ever since two thousand and I'm going to say</p> <p>19 fourteen.</p> <p>20 Q It sounds like she's still your primary care</p> <p>21 doctor. Is that correct?</p> <p>22 A Yes.</p> <p>23 Q Okay. Let's talk about prior medications.</p> <p>24 In 2018, so that would have been a year prior to this</p> <p>25 incident at Family Dollar, did you have to take any</p>

7 (Pages 22 - 25)

<p style="text-align: right;">Page 26</p> <p>1 type of ongoing prescription medications?</p> <p>2 A No.</p> <p>3 Q Okay. When you did need to get a</p> <p>4 prescription filled for something, where did you get</p> <p>5 that prescription filled?</p> <p>6 A I got it filled at Publix here in Powder</p> <p>7 Springs.</p> <p>8 Q Prior to the incident at Family Dollar, did</p> <p>9 you ever have surgery on any body part?</p> <p>10 A Yes.</p> <p>11 Q Okay. What body parts did you have surgery</p> <p>12 on?</p> <p>13 A My knee. My right knee.</p> <p>14 Q Okay. When did you have surgery on your</p> <p>15 right knee?</p> <p>16 A It was March the 24th, '19, 2019. March the</p> <p>17 24th. I'm sorry.</p> <p>18 Q So I'm going to follow up just to make sure</p> <p>19 you follow me. So you're saying that you had surgery</p> <p>20 on your right knee in March of 2019?</p> <p>21 A Yes.</p> <p>22 Q Okay. So based on the medical records from</p> <p>23 this case, I understand that you had a post-incident</p> <p>24 surgery in 2020, not 2019. Is that what you're</p> <p>25 referring to?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q Okay. So just to follow up -- and we'll</p> <p>2 talk about the subsequent stuff. So before March of</p> <p>3 2019, you never treated with an orthopedic doctor,</p> <p>4 true?</p> <p>5 A No.</p> <p>6 Q True?</p> <p>7 A No.</p> <p>8 Q Okay, ma'am. Listen to my question. And so</p> <p>9 you're not really answering. I don't want to object</p> <p>10 to it. I think you're just not following me. And so</p> <p>11 I'm going to reask it, and I just want to make sure</p> <p>12 your testimony is clear, okay?</p> <p>13 So before the incident at Family Dollar,</p> <p>14 your testimony is, you never treated with an</p> <p>15 orthopedic doctor, true?</p> <p>16 A Yes, true.</p> <p>17 Q Okay. Thank you. Before the incident at</p> <p>18 Family Dollar, did you ever treat with a neurologist?</p> <p>19 A I don't understand that question.</p> <p>20 Q Okay.</p> <p>21 A But it's no because I never went nowhere</p> <p>22 like that, so no.</p> <p>23 Q Okay. So before the incident at Family</p> <p>24 Dollar, you never treated with a neurologist, true?</p> <p>25 A Oh, no.</p>
<p style="text-align: right;">Page 27</p> <p>1 A Yes.</p> <p>2 Q Okay. All right. And so my question, just</p> <p>3 to be clear, and we can get into the subsequent</p> <p>4 treatments in a minute, but my question was about</p> <p>5 prior surgery, okay? And what I mean by "prior</p> <p>6 surgery" is surgery that occurred before March 2019,</p> <p>7 so before the incident at Family Dollar, okay? And</p> <p>8 the series of questions I'm going to ask you is about</p> <p>9 medical treatments before March 7, 2019. Do you</p> <p>10 understand?</p> <p>11 A Yes.</p> <p>12 Q Okay. So I'm going to ask the question</p> <p>13 again. So before March 7, 2019, did you have surgery</p> <p>14 on any body part?</p> <p>15 A No, no. Just the surgery for my knee from</p> <p>16 the accident.</p> <p>17 Q Before the incident at Family Dollar in</p> <p>18 March of 2019, did you ever ride in an ambulance as a</p> <p>19 patient?</p> <p>20 A No.</p> <p>21 Q Before the incident at Family Dollar in</p> <p>22 March of 2019, did you ever treat with an orthopedic</p> <p>23 doctor?</p> <p>24 A That's the doctor that the hospital sent me</p> <p>25 to. Before that, no.</p>	<p style="text-align: right;">Page 29</p> <p>1 Q True?</p> <p>2 A No, I did not.</p> <p>3 Q Okay. And I just don't want there to be any</p> <p>4 confusion about your testimony later. So it's a true</p> <p>5 or false question. If you need to explain, you can</p> <p>6 explain, but I'm trying to take your testimony and</p> <p>7 make sure your answers are clear, because you're</p> <p>8 saying things that don't really match up with the</p> <p>9 answer that would mirror the question, okay?</p> <p>10 So before the incident at Family Dollar, so</p> <p>11 before March of 2019, you never treated with a</p> <p>12 neurologist, true?</p> <p>13 A That's true.</p> <p>14 Q Okay. Before the incident at Family Dollar,</p> <p>15 did you ever treat with a physical therapist for any</p> <p>16 medical condition?</p> <p>17 A No.</p> <p>18 Q Okay. Before the incident at Family Dollar</p> <p>19 in March 2019, did you ever treat with a chiropractor?</p> <p>20 A No.</p> <p>21 Q Before the incident at Family Dollar in</p> <p>22 March of 2019, did you ever treat with any doctor for</p> <p>23 arthritis?</p> <p>24 A No.</p> <p>25 Q Okay. Before the incident at Family Dollar,</p>

<p style="text-align: right;">Page 30</p> <p>1 did you ever treat with any doctor that provided 2 medical treatments for either of your needs? 3 A No. 4 Q Before the incident at Family Dollar, did 5 you ever treat with a medical doctor that provided 6 medical treatment for any of your joints, your knees, 7 your shoulders, your ankles? 8 A No. 9 Q Before the incident at Family Dollar in 10 March of 2019, did you ever treat in the emergency 11 room? 12 A No. 13 Q Let's talk a little bit about the 14 March 7, 2019, incident at Family Dollar. So let's 15 start with the location where this incident happened. 16 Had you ever been to that location before? 17 A Yes. I shop there all the time. 18 Q Okay. When you say you shop there all the 19 time, would that mean that you go there on a weekly 20 basis? 21 A Every two weeks. 22 Q Okay. So it sounds like before the incident 23 at Family Dollar in March 2019, would you say you went 24 there a couple times a month? 25 A Every two weeks.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q Okay. So it sounds like it took about 45 2 minutest to select your items. Is that correct? 3 A Yes. I walk around the whole store. 4 Q Okay. You said you went there that day to 5 purchase cleaning products. Do you remember what 6 cleaning products you selected? 7 A Yes. 8 Q Okay. And what were those? 9 A Comic [sic] and bleach and soap, tissue, 10 paper towels. 11 Q The items you just identified, did you put 12 those in a shopping cart or a shopping basket? 13 A Yes. In a -- on a buggy. I was pushing it. 14 Q Okay. Did you get the buggy when you 15 entered the store that day, that afternoon? 16 A Yes. 17 Q Okay. And you said that you had selected 18 Comet, bleach, soap, and you said paper towels. Is 19 that correct? 20 A Tissue. 21 Q Tissue, okay. 22 A A whole -- I -- I got a lot. Dish 23 detergent, laundry detergent, softener for the 24 clothes. I get my stuff every two weeks or maybe once 25 a month, so I get a lot. It was like \$84 worth of</p>
<p style="text-align: right;">Page 31</p> <p>1 Q Okay. When did you first start shopping at 2 that particular location? 3 A About maybe 16 years. 4 Q Okay. So sounds like you shopped there a 5 lot before this incident. Did you know any of the -- 6 A Yes. 7 Q -- folks that worked there? 8 A No, I do not. 9 Q Okay. What about since the incident at 10 Family Dollar? So basically, after March 7, 2019, 11 have you been back to that Family Dollar? 12 A No. 13 Q On March 7, 2019, the day of this incident, 14 why did you go to the store that day? 15 A To get cleaning products for my home. 16 Q Okay. What time did you arrive at the store 17 that day? 18 A Well, I get off from -- I got off from work 19 about 4:00, so I probably arrived about 4:30. 20 Q Okay. Approximately how long were you in 21 the store before this incident happened? 22 A Well, about 45 minutes. 23 Q During that 45-minute period, did you speak 24 with any of the employees prior to the incident? 25 A No.</p>	<p style="text-align: right;">Page 33</p> <p>1 cleaning stuff. 2 Q Okay. And you said bleach. What kind of 3 bleach did you select that day? 4 A It's the 100 -- 100 percent bleach. You can 5 use it to clean the commodes and the tubs and 6 whatever. 7 Q Was it the bleach in one of the spray 8 bottles? 9 A Yes, it -- no. It wasn't like a spray 10 bottle. You just squeeze it. It's a plastic 11 container. 12 Q Okay. Is it one of the containers that you 13 can squeeze it and it shoots out the bleach? 14 A Yes. 15 Q Okay. It's not the kind that you have to 16 unscrew the cap and you pour it out. Is that correct? 17 A No. 18 Q Okay. To make sure, because you didn't 19 really answer my question, so in terms of the bleach 20 container that you selected that day, March 7, 2019, I 21 just want to be clear, you selected one of the spray 22 bottles. You didn't select one of the bleach bottles 23 that you have to unscrew the cap. Is that correct? 24 A Yes. I bought some of that, too, but I buy 25 this certain kind. It's a bleach that it's -- I buy</p>

<p style="text-align: right;">Page 34</p> <p>1 two different kind of bleaches.</p> <p>2 Q I got you. So that day, it sounds like you</p> <p>3 selected two different bleach containers. Is that</p> <p>4 correct?</p> <p>5 A Yes.</p> <p>6 Q Okay. So you purchased one of the bottles</p> <p>7 that you have to spray with a spray top. Is that</p> <p>8 correct?</p> <p>9 A No. You just open -- twist it and squeeze</p> <p>10 it, and you squeeze down on it. It'll come out. It</p> <p>11 wasn't a spray top.</p> <p>12 Q Okay. So I'm going to show you what your</p> <p>13 attorney sent to me with your discovery responses. I</p> <p>14 just want to be clear.</p> <p>15 MR. HANKINS: I'll mark this as Defense</p> <p>16 Exhibit 1.</p> <p>17 (Exhibit 1 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. HANKINS:</p> <p>20 Q So in your shopping cart that day, is this</p> <p>21 the bleach bottle that you're referring to that --</p> <p>22 A Yeah.</p> <p>23 Q -- you squeeze down the top or -- is that</p> <p>24 correct?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 36</p> <p>1 waited in line in sounds like about 10 minutes, and</p> <p>2 now you're the customer that's being waited on. Kind</p> <p>3 of just walk me through what happened.</p> <p>4 A It was my turn to go up to the register, and</p> <p>5 I was taking my stuff out the buggy, putting it up on</p> <p>6 the -- up on the little thing that you put your stuff</p> <p>7 -- put your items up on. And the -- the lady was</p> <p>8 grabbing it, ringing it up, and I was putting it up</p> <p>9 there. She was keeping the bags back there. And so</p> <p>10 as she was handing me the bags as I was putting it up</p> <p>11 there, because it was a little bitty space. It wasn't</p> <p>12 a lot of space up there for me to put the items up</p> <p>13 there.</p> <p>14 So she was putting the stuff in the bag, and</p> <p>15 she would hand the bag over to me and I would take it.</p> <p>16 As I was putting the stuff up there, she would hand me</p> <p>17 another bag and I would put it in the buggy, and so</p> <p>18 that happens. And the last item was those two</p> <p>19 bleaches, and she grabbed for it and it slipped off</p> <p>20 because items was still on there. And when she</p> <p>21 grabbed for it, it just slipped off.</p> <p>22 Q Okay. And then what happened next?</p> <p>23 A It had fell. Bleach was on the floor and it</p> <p>24 busted open and bleach went everywhere.</p> <p>25 Q And then what happened next?</p>
<p style="text-align: right;">Page 35</p> <p>1 Q Okay. In your shopping cart, were there any</p> <p>2 other bleach products?</p> <p>3 A Yes. I bought the kind that you -- that you</p> <p>4 twist the top on. I bought two of those and two of</p> <p>5 those.</p> <p>6 Q I got you. I got you.</p> <p>7 Okay. So you select your items, and did you</p> <p>8 walk to the front of the store to check out?</p> <p>9 A Yes.</p> <p>10 Q Okay. And when you arrived at the front of</p> <p>11 the store to check out, was there a line?</p> <p>12 A Yes. About two or three people in front of</p> <p>13 me.</p> <p>14 Q How long did you have to wait in line before</p> <p>15 you were the next customer to be waited on to be</p> <p>16 checked out?</p> <p>17 A Maybe about 10 minutes. It wasn't long.</p> <p>18 Q While you were waiting in line before you</p> <p>19 were waited on by the clerk, did you speak with any of</p> <p>20 the customers standing in line?</p> <p>21 A No.</p> <p>22 Q Did you speak with any employees before you</p> <p>23 were being waited on?</p> <p>24 A No.</p> <p>25 Q Okay. So kind of walk me through -- you</p>	<p style="text-align: right;">Page 37</p> <p>1 A So then I looked down. I looked down to --</p> <p>2 to try to move, and the buggy went in front and I</p> <p>3 slipped up and fell trying to get out of the bleach,</p> <p>4 because the bleach was everywhere on the floor.</p> <p>5 Q Okay. And then what happened next?</p> <p>6 A I was on the floor and I couldn't get up, so</p> <p>7 she came from the register around to where I were,</p> <p>8 trying to help me up. And it was a older lady, and I</p> <p>9 told her, I said, "You can't pick me up." And I</p> <p>10 said -- I'm looking around trying to grab something.</p> <p>11 I said, "It's nothing here." She said, "I can get you</p> <p>12 up." And I told her she couldn't because she was a</p> <p>13 older lady and I knew she couldn't help me up. So I</p> <p>14 tried to push myself out of the bleach, and it -- it</p> <p>15 wasn't working. I was just sliding. On one leg I'm</p> <p>16 sliding.</p> <p>17 So she said, "Hold on. Let me try to get</p> <p>18 somebody." So a lady came in the door. I don't know</p> <p>19 if she was an employee or what, but anyways, he said,</p> <p>20 "Let me try to help you get out of this. Let me help</p> <p>21 you up." So she tried to, like, pull me up, and I</p> <p>22 said, "That's not going to work." I said, "Just pull</p> <p>23 me out of the bleach." So she pulled me over, and so</p> <p>24 both of them helped me up. One got in the front, one</p> <p>25 got in the back.</p>

<p style="text-align: right;">Page 38</p> <p>1 And I said -- when I -- when I got up, I 2 said, "Oh, god. I can't use this leg. It's hurting 3 so bad." And she said, "Can you make it over here in 4 this chair?" And I said, "No." I said, "Just go get 5 my buggy," and I said, "Maybe I can hold onto that and 6 get over there." I couldn't use my leg at all. I 7 couldn't put no pressure on it. It wouldn't do 8 nothing. 9 So I got -- they went and got the buggy. We 10 was out of the bleach. So when we went -- or when I 11 tried to drag my leg to go around to get over there to 12 the seat, I couldn't sit down, so I leaned on the 13 buggy and I gave her the information that she needed, 14 that she was asking me for. And she said, "Do you 15 want to wait or do you want to try to go to your car 16 or what?" I said, "I'm going to my car." So I drug 17 my leg. I could not put no pressure on it. I drug my 18 leg holding onto the buggy and went out to my car. I 19 did not have my phone because I had left it in the 20 car, so I had to try to make it out there. 21 So everybody was asking me, like, "Can I 22 help you? Are you okay?" And I went on to my car, 23 and my car was close, real close right there by the 24 door. And I got out there and I leaned onto the 25 buggy, and I had a hard time getting in my car. And</p>	<p style="text-align: right;">Page 40</p> <p>1 A Older, yeah. Like, heavy-weighted and then 2 bent over. 3 Q Okay. Okay. And I want to try to do the 4 best we can to describe the counter. You said it was 5 a small area. Was it one of those counters that had 6 like a conveyor belt on it, meaning like it -- you put 7 the -- could move the items to the clerk, or was -- 8 did it not have that? 9 A No. No. It wasn't like that. 10 Q Okay. How big was the counter area that you 11 could put the items up on? 12 A Well, they had stuff like -- I guess stuff 13 they was trying to sell, and it wasn't a lot of room 14 right there. So I had to hand her like four or 15 five -- maybe five, six items at one time to put up 16 there, because they had other stuff sitting up there. 17 I guess they was trying to sell that stuff, like ink 18 pens and other little items in the store they was 19 trying to sell. So I had to set all my stuff up 20 there, and it wasn't a lot of room up there for me to 21 set it up there. 22 Q Okay. Before the clerk started ringing up 23 your items, did you have all the items up on the 24 counter? 25 A I couldn't have them all up there at one</p>
<p style="text-align: right;">Page 39</p> <p>1 that was it. I waited until somebody came. When I 2 got in my car I called my son and he sent his wife 3 over there because she was closer. 4 Q What's your son's wife's name? 5 A Brandy Long. 6 Q Did Brandy actually come to the store or did 7 she just come to you after you had left? 8 A No. She came to my car. She pulled up by 9 my car. 10 Q Did Brandy ever go into the store that 11 afternoon? 12 A Yes. She went in there and asked them what 13 had happened and got information, and they told her 14 what had happened. 15 Q All right. So let's try to break that down. 16 So you're next up. You're being waited on by the 17 clerk. Describe for me the clerk. 18 A Describe her? 19 Q Old, young, skinny? 20 A Older lady. 21 Q Older lady. 22 A Heavy-weighted. Kind of bent -- she was 23 kind of bent over. 24 Q What do you mean "bent over"? Like, she was 25 kind of like --</p>	<p style="text-align: right;">Page 41</p> <p>1 time. I had like \$80 worth of stuff. No, I did not. 2 Q Okay. So it sounds like you put some of 3 your items up on the counter and the clerk started 4 ringing them up, the items up and bagging them. Is 5 that correct? 6 A Yes. And she was handing them to me to put 7 in the buggy. 8 Q Okay. So she'd hand you the bag with the 9 items, and then you'd put the bag -- 10 A Yes. 11 Q -- into the cart -- 12 A Yes. 13 Q -- correct? 14 A Yes. 15 Q Okay. How many bags did you put into your 16 cart prior to the incident that you described to me 17 earlier? 18 A I don't know. I really can't answer that. 19 Because like I said, I had spent like \$84 in the 20 store. 21 Q Okay. In terms of the -- it sounds like you 22 described the four bleach bottles earlier, two spray 23 bottles and two twist-off cap bottles. 24 A Yes. 25 Q You're already putting those bags into your</p>

<p style="text-align: right;">Page 42</p> <p>1 shopping cart.</p> <p>2 A Yes. She put them in a -- in a bag. She</p> <p>3 asked a person in the store to go get me another one</p> <p>4 because that one had burst on the floor.</p> <p>5 Q Okay. You're talking about after the</p> <p>6 incident, the --</p> <p>7 A Yeah.</p> <p>8 Q -- clerk asked someone to go get another</p> <p>9 bleach bottle. Is that correct?</p> <p>10 A Yes.</p> <p>11 Q Okay. Which type of bottle was the one that</p> <p>12 leaked out on the floor?</p> <p>13 A You just --</p> <p>14 Q The spray bottle or was it the one with the</p> <p>15 cap?</p> <p>16 A The one that you squeeze.</p> <p>17 Q Okay. So pulling this back up, Defense</p> <p>18 Exhibit 1, is this the bottle that leaked, or is this</p> <p>19 the type of bottle that leaked?</p> <p>20 A No. That's the bottle.</p> <p>21 Q This is the bottle. Okay. So it sounds</p> <p>22 like you purchased this bottle. Is that correct?</p> <p>23 A That's the type, yes.</p> <p>24 Q Okay. So just to be clear, is this the</p> <p>25 exact bottle, Defense Exhibit 1, that leaked out on</p>	<p style="text-align: right;">Page 44</p> <p>1 A Yes.</p> <p>2 Q Okay. So in terms of your testimony, I just</p> <p>3 want to be clear, in terms of how long the bottle, the</p> <p>4 spray bottle was on the counter, or squeeze bottle, it</p> <p>5 sounds like you don't know. Is that correct?</p> <p>6 A I don't know the time.</p> <p>7 Q Okay. Was the bottle completely at rest on</p> <p>8 the counter before it fell off?</p> <p>9 A Yes.</p> <p>10 Q Okay. And your testimony is the clerk</p> <p>11 reached for this bottle and then knocked it to the</p> <p>12 ground. Is that correct?</p> <p>13 A It slid off or something. I don't know what</p> <p>14 she did.</p> <p>15 Q Okay. Can you say and testify today under</p> <p>16 oath that the clerk actually made contact with this</p> <p>17 bottle, and her contact --</p> <p>18 A Yes, she did.</p> <p>19 Q -- fall to the floor?</p> <p>20 A Yes, she did.</p> <p>21 Q Okay. Just a second ago you said you</p> <p>22 weren't sure, so which is it, ma'am? Did she make</p> <p>23 contact with the bottle and knock it over --</p> <p>24 A Yes, yes.</p> <p>25 Q -- or did the bottle --</p>
<p style="text-align: right;">Page 43</p> <p>1 the floor on March 7, 2019?</p> <p>2 A That's not the one that leaked on the floor</p> <p>3 I don't think, because it bursted open. That's</p> <p>4 another one. I had two bottles like that. They went</p> <p>5 and got one. I -- I -- I purchased two bottles, and</p> <p>6 that's the bottle.</p> <p>7 Q Okay. Okay. In terms of the bleach spray</p> <p>8 bottle that would ultimately fall off to the floor,</p> <p>9 how long had it been on the counter before the clerk</p> <p>10 reached for it?</p> <p>11 A It wasn't a spray bottle. It was a squeeze</p> <p>12 bottle. And I can't -- I don't know the time limit.</p> <p>13 Q Okay. So let's just be clear. I want to</p> <p>14 make sure we're talking about the same thing. I would</p> <p>15 call this a spray bottle. I think you're saying this</p> <p>16 is a squeeze bottle, but that to me sounds like</p> <p>17 semantics. Is this the type of bottle that fell off</p> <p>18 on the floor and leaked?</p> <p>19 A Yes.</p> <p>20 Q Defense Exhibit 1, okay.</p> <p>21 And just so we're on the same page, if I say</p> <p>22 "squeeze bottle" or "spray bottle," this is what I'm</p> <p>23 referring to, Defense Exhibit 1.</p> <p>24 A Okay.</p> <p>25 Q Do we have an understanding?</p>	<p style="text-align: right;">Page 45</p> <p>1 A Yes.</p> <p>2 Q -- fall off the counter?</p> <p>3 A She made contact with the bleach, because</p> <p>4 for -- for the bleach to fall off the counter.</p> <p>5 Q Okay. Did you see her make contact with the</p> <p>6 bleach bottle and knock it to the floor?</p> <p>7 A She reached for the bleach bottle.</p> <p>8 Q Okay. And again, let's try not to talk over</p> <p>9 each other. When I was asking my question earlier,</p> <p>10 you were trying to talk over me. So just let me</p> <p>11 finish my question, and then you can answer, and I'll</p> <p>12 extend you the same courtesy, okay?</p> <p>13 A Okay.</p> <p>14 Q What other items were on the counter</p> <p>15 immediately prior to the bleach bottle falling off the</p> <p>16 counter to the floor?</p> <p>17 A It could have been the two bleach -- the two</p> <p>18 other bleaches, that bleach. And, like, she wasn't a</p> <p>19 tall lady. She was kind of short. And the -- and the</p> <p>20 -- and she reached over there, and just those bleaches</p> <p>21 was the last one that I put up there.</p> <p>22 Q Okay. So I just want to make sure I'm clear</p> <p>23 but you don't -- I don't know if you answered my</p> <p>24 question. Can you identify any other items that were</p> <p>25 on the counter at the time the bleach bottle was</p>

<p style="text-align: right;">Page 46</p> <p>1 knocked off the counter to the floor?</p> <p>2 A Just the bleach.</p> <p>3 Q Okay. So just the one spray bottle?</p> <p>4 A No. The two bleaches, the one that you open</p> <p>5 up with the top, and those two.</p> <p>6 Q Okay. So the four bleach bottles were on</p> <p>7 the counter immediately prior to the spray bottle</p> <p>8 being knocked to the floor. Is that correct?</p> <p>9 A She had already got the two -- the two --</p> <p>10 the two bleaches that -- with the top that you -- that</p> <p>11 you squeeze off.</p> <p>12 Q Okay.</p> <p>13 A Those was over there behind the register.</p> <p>14 She had got those, and she was reaching for that one</p> <p>15 thing of bleach, and it fell.</p> <p>16 Q Okay. It sounds like the spray bottle that</p> <p>17 would later fall to the floor is the only item that</p> <p>18 was on the counter.</p> <p>19 A Yes.</p> <p>20 Q Okay. And it sounds like you saw the bottle</p> <p>21 fall to the floor. Is that correct?</p> <p>22 A Yes. She was reaching for it, and</p> <p>23 it -- it's like it just fell.</p> <p>24 Q Okay. In terms of where the bleach bottle</p> <p>25 hit the floor in relation to where you were standing,</p>	<p style="text-align: right;">Page 48</p> <p>1 Q Okay. How much bleach leaked out on the</p> <p>2 floor when the bottle hit the ground?</p> <p>3 A The whole bottle.</p> <p>4 Q Whole bottle. How long did it take the</p> <p>5 whole bottle to leak out?</p> <p>6 A I don't know the time limit.</p> <p>7 Q Now, is this colored bleach that leaked out</p> <p>8 or is it the clear kind of bleach?</p> <p>9 A It was the clear.</p> <p>10 Q Was there anybody else standing in line at</p> <p>11 the time of this incident?</p> <p>12 A No.</p> <p>13 Q You were the only one. Is that correct?</p> <p>14 A Yes.</p> <p>15 Q Did the bleach bottle hit anything when it</p> <p>16 fell from the counter to the floor?</p> <p>17 A No.</p> <p>18 Q You were standing there with your shopping</p> <p>19 cart at the time of the incident, correct?</p> <p>20 A Yes.</p> <p>21 Q Where was the shopping cart in relation to</p> <p>22 where the bleach bottle fell to the floor?</p> <p>23 A The shopping cart was, like, up a little bit</p> <p>24 because I was picking my items up, so I got, like, on</p> <p>25 the side of the cart to get it, so the bleach hit the</p>
<p style="text-align: right;">Page 47</p> <p>1 how many feet away was that?</p> <p>2 A I can't say. I don't know.</p> <p>3 Q Okay. When the bleach bottle hit the floor,</p> <p>4 describe to me how the bottle leaked out.</p> <p>5 A It just leaked all over everywhere.</p> <p>6 Q Okay. Did the bottle explode and bleach go</p> <p>7 up in the air? Did it --</p> <p>8 A No. It --</p> <p>9 Q -- kind of --</p> <p>10 A -- went to the floor, and when it hit the</p> <p>11 floor it just busted. I don't know if the top came up</p> <p>12 on the bleach or what happened. All I know, I looked</p> <p>13 down and saw the bleach.</p> <p>14 Q Okay. And how long was the bleach on the</p> <p>15 floor before you ultimately slipped and fell?</p> <p>16 A I don't know the time limit, but I looked</p> <p>17 down and tried to get out the bleach.</p> <p>18 Q Okay. Did the clerk say anything to you</p> <p>19 prior to you slipping and falling?</p> <p>20 A No. Because she came out from behind the</p> <p>21 register and came to me and tried to help me.</p> <p>22 Q And my question was, before you slipped and</p> <p>23 fell did the clerk say anything to you about the</p> <p>24 bleach or the bleach bottle?</p> <p>25 A No, no.</p>	<p style="text-align: right;">Page 49</p> <p>1 floor.</p> <p>2 Q Okay. I guess what I'm getting at is, where</p> <p>3 you're standing in line, I'm trying to figure out, get</p> <p>4 a visual, because I don't have any photos of the</p> <p>5 scene, so I'm trying to figure out, did the bleach</p> <p>6 bottle hit the ground in front of the shopping cart --</p> <p>7 A On the side.</p> <p>8 Q -- shopping cart?</p> <p>9 A On the side.</p> <p>10 Q Okay. So it sounds like the bleach bottle</p> <p>11 fell to the floor in between the shopping cart and the</p> <p>12 counter. Is that correct?</p> <p>13 A Yes.</p> <p>14 Q Okay. And I guess presumably were you</p> <p>15 standing behind the shopping cart at the time the</p> <p>16 bottle fell to the floor?</p> <p>17 A Yes.</p> <p>18 Q Okay. You said you tried to get out of the</p> <p>19 way. What do you mean by that? I think you said get</p> <p>20 out of the bleach or something. What did you mean by</p> <p>21 that?</p> <p>22 A Okay. The cart was pushed up a little bit,</p> <p>23 okay? And the bleach came off the counter onto the</p> <p>24 floor. So I'm at the -- at the -- at the -- at the</p> <p>25 back of the buggy where you push the cart at. I'm</p>

<p style="text-align: right;">Page 50</p> <p>1 there. So the bleach hit the floor, so the bleach was</p> <p>2 all around me when it hit the floor. The bleach start</p> <p>3 running.</p> <p>4 Q Okay. When you said you were trying to get</p> <p>5 out of the bleach, you mean you took -- you tried to</p> <p>6 take a step back, or what do you mean?</p> <p>7 A That's when I fell on the floor.</p> <p>8 Q Okay. You fell on the floor when you were</p> <p>9 trying to take a step back?</p> <p>10 A Yeah. I was trying to get out of the</p> <p>11 bleach.</p> <p>12 Q All right.</p> <p>13 A So I took one step. The cart went in front</p> <p>14 of me, and I fell on the floor in the bleach.</p> <p>15 Q Okay. So describe for me how you slipped</p> <p>16 and fell to the floor. So which foot slipped out from</p> <p>17 under you?</p> <p>18 A My right one.</p> <p>19 Q Okay. And you said you tried to take a step</p> <p>20 back immediately prior to slipping. Which foot were</p> <p>21 you taking a step back with?</p> <p>22 A I was trying to step back with my -- with my</p> <p>23 right feet, I guess.</p> <p>24 Q Okay. So your right foot slips, and then</p> <p>25 describe to me how you fell to the floor.</p>	<p style="text-align: right;">Page 52</p> <p>1 pull that back at the time of the incident. Is that</p> <p>2 correct?</p> <p>3 A Yes.</p> <p>4 Q Okay. And it sounds like you were holding</p> <p>5 onto the handlebar of the shopping cart at the time</p> <p>6 you slipped, correct?</p> <p>7 A I was trying to.</p> <p>8 Q Trying to, okay.</p> <p>9 A But when I reached for it, it went forward.</p> <p>10 Q Okay. You reached for it while you were</p> <p>11 taking a step backwards, or you -- you're saying</p> <p>12 before you took a step backwards you reached for it?</p> <p>13 A I reached for the cart. The cart went</p> <p>14 forward. I went down on the floor.</p> <p>15 Q And I think you already testified to this</p> <p>16 earlier, but in terms of where the shopping cart was</p> <p>17 in relation to you at the checkout line, it was in</p> <p>18 front of you, correct?</p> <p>19 A Yes. And I was, like, on the side trying to</p> <p>20 put my items up there. So the cart was still there</p> <p>21 because I was putting the bags in the cart.</p> <p>22 Q Were you in between the shopping cart and</p> <p>23 the counter at the time the bottle fell to the floor?</p> <p>24 A Not -- no, I wasn't. I was still like</p> <p>25 behind it.</p>
<p style="text-align: right;">Page 51</p> <p>1 A I took one step and I was on the floor.</p> <p>2 Q I'm trying to get a visual of how you</p> <p>3 actually fell to the floor. So I know you ended up on</p> <p>4 the floor, but, you know, so you slipped, your right</p> <p>5 foot slips out from under you. What's the first body</p> <p>6 part that hits the floor?</p> <p>7 A I think it was my bottom, my leg and my</p> <p>8 bottom. I can't -- I can't describe that. All I</p> <p>9 know, I was on the floor and I couldn't move my leg.</p> <p>10 Q So in terms of whether or not you slipped</p> <p>11 and fell forwards or backwards, sounds like you're not</p> <p>12 sure, correct?</p> <p>13 A I reached for the cart to try to move the</p> <p>14 cart to lean on it to get out of the bleach, and the</p> <p>15 cart went forward because it was slippery, and I fell</p> <p>16 on the floor. That's the part I remember.</p> <p>17 Q Okay. Earlier, you said you took a step</p> <p>18 back. It sounds like you tried to take a step</p> <p>19 forward. Am I understanding you correctly?</p> <p>20 A I tried to step backwards. I was going to</p> <p>21 pull myself out of the bleach. That's what my plans</p> <p>22 was.</p> <p>23 Q Okay. So your plan was you were planning to</p> <p>24 take a step back with your right foot, and you were</p> <p>25 holding onto the shopping cart and you were trying to</p>	<p style="text-align: right;">Page 53</p> <p>1 Q You were behind it, okay.</p> <p>2 A Yeah, but -- but the buggy was pushed up,</p> <p>3 and I was in front of the register.</p> <p>4 Q Okay. So I think I understand. So it</p> <p>5 sounds like the bottle falls to the floor, you reach</p> <p>6 for the shopping cart, which is in front of you,</p> <p>7 correct?</p> <p>8 A Yes.</p> <p>9 Q And did you actually make contact with the</p> <p>10 handlebar?</p> <p>11 A Yes. But it was so slippery I went down.</p> <p>12 Q Okay. So bottle hits the floor, you reach</p> <p>13 for the shopping cart, which is in front of you, the</p> <p>14 shopping cart moves forward. And then you take a step</p> <p>15 back with your right foot, and that's when you slip</p> <p>16 and fall. Is that correct?</p> <p>17 A Yes.</p> <p>18 Q Okay. But in terms of if you fell forwards,</p> <p>19 your body motion took you forwards or backwards, it</p> <p>20 sounds like you're not sure. Is that correct?</p> <p>21 A I was trying to hold onto the cart and the</p> <p>22 cart start rolling, and then I went down on the floor.</p> <p>23 Q How much time passed between the time you</p> <p>24 were reaching for the shopping cart --</p> <p>25 A I don't know the time limit.</p>

<p style="text-align: right;">Page 54</p> <p>1 Q Ma'am, let me finish my question. How much</p> <p>2 time passed between the time you reached for the</p> <p>3 shopping cart and it rolled forward and then you took</p> <p>4 a step backwards with your right foot?</p> <p>5 A I don't know the time limit.</p> <p>6 Q All right. In terms of whether or not you</p> <p>7 fell forward or backwards to the floor, you don't</p> <p>8 know, correct?</p> <p>9 A No.</p> <p>10 Q In terms of whether or not any body parts</p> <p>11 struck the floor on the way down to the floor, it</p> <p>12 sounds like you're not sure. Is that correct?</p> <p>13 A I was on my -- yes, that's right. I</p> <p>14 don't -- I don't know. I -- I -- all I know, I was on</p> <p>15 the floor and I couldn't move my leg to try to get up.</p> <p>16 Q Okay. Did you fall into a seated position,</p> <p>17 or did you fall back onto your back or your stomach?</p> <p>18 A I can't answer that question.</p> <p>19 MR. HANKINS: Okay. All right. We've</p> <p>20 been going about a little over an hour. Why don't we</p> <p>21 take a quick break?</p> <p>22 THE WITNESS: All right.</p> <p>23 MR. HANKINS: Great.</p> <p>24 REPORTER: All right. The time is</p> <p>25 11:09. We're off the record.</p>	<p style="text-align: right;">Page 56</p> <p>1 contact that was made with the bottle by the employee,</p> <p>2 it sounds like you're not sure. Is that correct?</p> <p>3 A I'm sure, because she had to pick it up</p> <p>4 to -- to cash it in, to -- to ring it up.</p> <p>5 Q Okay. Sounds like you assume that she made</p> <p>6 contact with the bleach bottle that fell to the floor.</p> <p>7 Is that correct?</p> <p>8 A After I set the bleach on the counter, I had</p> <p>9 no reason to pick up the bleach. She picked up the</p> <p>10 bleach.</p> <p>11 Q Did she pick the bleach bottle up before it</p> <p>12 fell to the floor?</p> <p>13 A For it to get on the floor she had to, yes.</p> <p>14 Q Sounds like an assumption on your part</p> <p>15 because you didn't see her pick it up before it fell</p> <p>16 to the floor, true?</p> <p>17 A I wasn't really paying no attention. All I</p> <p>18 know, the bleach fell on the floor. I saw her arm up</p> <p>19 on the register, up over the register reaching for the</p> <p>20 bleach.</p> <p>21 Q Okay. So as we sit here today. You're</p> <p>22 unable to testify about how the clerk made contact</p> <p>23 with the bottle immediately prior to the bottle</p> <p>24 falling to the floor, correct?</p> <p>25 MS. SADDLER: Objection. Form.</p>
<p style="text-align: right;">Page 55</p> <p>1 (Off the record.)</p> <p>2 REPORTER: All right. The time is</p> <p>3 11:22. We're back on the record.</p> <p>4 BY MR. HANKINS:</p> <p>5 Q So, ma'am, I want to follow up on a couple</p> <p>6 questions in terms of the incident before we move on.</p> <p>7 So in terms of the employee, the cashier that was</p> <p>8 checking you out, describe for me the contact that she</p> <p>9 made with the bleach bottle that ultimately fell to</p> <p>10 the floor.</p> <p>11 A She just reached for the bleach bottle and</p> <p>12 it fell on the floor.</p> <p>13 Q Okay. How did she make contact with the</p> <p>14 bottle?</p> <p>15 A With her arm and hand.</p> <p>16 Q Okay. So when you say your [sic] arm, what</p> <p>17 do you mean?</p> <p>18 A She was kind of short, so her arm came over</p> <p>19 on the register as she was reaching for it.</p> <p>20 Q Did she ultimately pick the bottle up before</p> <p>21 it fell to the floor?</p> <p>22 A I really wasn't paying any attention to that</p> <p>23 part, but I'm sure she did because that's what she did</p> <p>24 with the rest of the items. She picked them up.</p> <p>25 Q Okay. So it sounds like in terms of the</p>	<p style="text-align: right;">Page 57</p> <p>1 BY MR. HANKINS:</p> <p>2 Q You can answer, ma'am.</p> <p>3 A Excuse me?</p> <p>4 MR. HANKINS: Can you read back the</p> <p>5 question for her, please?</p> <p>6 REPORTER: Please stand by. Please</p> <p>7 stand by.</p> <p>8 (Off the record.)</p> <p>9 (The reporter replayed the record as</p> <p>10 requested.)</p> <p>11 BY MR. HANKINS:</p> <p>12 Q So, ma'am, answer the question that you just</p> <p>13 heard played back for you.</p> <p>14 MS. SADDLER: Same objection.</p> <p>15 BY MR. HANKINS:</p> <p>16 Q Ma'am?</p> <p>17 A Yes.</p> <p>18 Q Okay. Please answer the question that was</p> <p>19 just played back for you.</p> <p>20 A I set the bleach up on the counter. I don't</p> <p>21 know. The -- the lady reached her arm over there with</p> <p>22 her hand. Her hand, her arm came over and she picked</p> <p>23 the bleach up.</p> <p>24 MR. HANKINS: I'll object to the</p> <p>25 responsiveness.</p>

<p style="text-align: right;">Page 58</p> <p>1 BY MR. HANKINS:</p> <p>2 Q So just to be clear, you're -- because</p> <p>3 you've provided varied and inconsistent testimony on</p> <p>4 this, you would agree with me that you put the bottle</p> <p>5 up on the bottle [sic] and it fell to the floor, true?</p> <p>6 MS. SADDLER: Objection. Form.</p> <p>7 BY MR. HANKINS:</p> <p>8 Q Ma'am, are you hearing the audio okay?</p> <p>9 Because it seems like you've been answering my</p> <p>10 questions pretty well today, and now you seem to be</p> <p>11 not answering. Do I need to speak up?</p> <p>12 A I answered your question. I set the bleach</p> <p>13 up on the register. The lady arm and her hand came</p> <p>14 over, and she got the bleach.</p> <p>15 Q How did her hand -- well, so let's start</p> <p>16 with her hand. How did her hand make contact with the</p> <p>17 bottle immediately prior to it falling to the floor?</p> <p>18 A The bleach was up on the counter. Her --</p> <p>19 all I seen was her hand, her arm -- her hand was on</p> <p>20 the bleach, and all at once it dropped on the floor.</p> <p>21 Q How was her hand on the bottle of bleach</p> <p>22 before it fell?</p> <p>23 A Excuse me?</p> <p>24 Q How was her hand on the bottle before it</p> <p>25 fell?</p>	<p style="text-align: right;">Page 60</p> <p>1 bottle get before it fell to the floor?</p> <p>2 A I can't answer that question.</p> <p>3 Q Okay. Are you positive that the clerk</p> <p>4 picked the bottle off the counter before it fell to</p> <p>5 the floor?</p> <p>6 A Her arm was over there, so yes, I guess she</p> <p>7 did.</p> <p>8 Q I think I understand your testimony. From</p> <p>9 your vantagepoint, you would agree with me that you</p> <p>10 put the bottle up and you know it fell to the floor,</p> <p>11 true?</p> <p>12 A Yes.</p> <p>13 Q Okay. Your testimony, she was reaching for</p> <p>14 it, but in terms of how she made contact, if any, with</p> <p>15 the bottle, would you agree you're not sure?</p> <p>16 A She picked it up and it's out -- I guess I</p> <p>17 guess slipped out her hand. I don't know.</p> <p>18 Q Okay. So you saw --</p> <p>19 A I --</p> <p>20 Q -- her pick the bottle off the counter. Is</p> <p>21 that correct?</p> <p>22 A Yes, correct.</p> <p>23 Q Okay. How far off the bottle --</p> <p>24 A I don't know the --</p> <p>25 Q -- off the counter --</p>
<p style="text-align: right;">Page 59</p> <p>1 MS. SADDLER: Objection. Form. Go</p> <p>2 ahead and answer if you understand the question. If</p> <p>3 you don't understand it, let him know you don't</p> <p>4 understand it. Say something.</p> <p>5 THE WITNESS: I don't understand why he</p> <p>6 keeps asking me this question.</p> <p>7 MR. HANKINS: Object to the</p> <p>8 responsiveness.</p> <p>9 BY MR. HANKINS:</p> <p>10 Q Ma'am, please answer the questions. Your</p> <p>11 attorney may put an objection on the record, and then</p> <p>12 you can answer the question. Unless she instructs you</p> <p>13 not to answer, please answer my question, okay?</p> <p>14 So I just want to be clear because, again,</p> <p>15 your testimony's been kind of all over the place, and</p> <p>16 I want to make sure. This is my one chance to ask you</p> <p>17 questions. I want you to answer the question that's</p> <p>18 being asked, okay? So I'm going to ask some questions</p> <p>19 again, and please answer, okay? And if you're not</p> <p>20 hearing me, please let me know and I'm happy to speak</p> <p>21 up, okay?</p> <p>22 Yes or no, did the clerk pick the bottle up</p> <p>23 before the bottle ultimately fell to the floor?</p> <p>24 A Yes.</p> <p>25 Q Okay. How far off the counter did the</p>	<p style="text-align: right;">Page 61</p> <p>1 A I don't --</p> <p>2 Q Ma'am, let me finish the question and then</p> <p>3 you can answer, okay?</p> <p>4 How far did the clerk pick the bottle off</p> <p>5 the counter before she dropped it?</p> <p>6 A I don't know.</p> <p>7 Q Okay. And in terms of, was she holding</p> <p>8 it -- which hand did she pick the bottle up with?</p> <p>9 A I don't remember if she was right-handed or</p> <p>10 left-handed. I don't know.</p> <p>11 Q Okay. Which arm made contact with the</p> <p>12 bottle before it fell to the floor?</p> <p>13 MS. SADDLER: Objection. Form.</p> <p>14 THE WITNESS: Again, I don't know if</p> <p>15 she was right-handed or left-handed. All I know, she</p> <p>16 was picking the items up.</p> <p>17 MR. HANKINS: Okay. Object to the</p> <p>18 responsiveness.</p> <p>19 MS. SADDLER: The answer's "I don't</p> <p>20 know." I think she was very clear with her answer.</p> <p>21 MR. HANKINS: Actually, she said she</p> <p>22 didn't know if she's right-handed or left-handed,</p> <p>23 which I don't know that would indicate what she picked</p> <p>24 the bottle up. So if you need to put an objection on</p> <p>25 the record, I understand.</p>

<p style="text-align: right;">Page 62</p> <p>1 MS. SADDLER: I did.</p> <p>2 MR. HANKINS: Okay. Fine.</p> <p>3 BY MR. HANKINS:</p> <p>4 Q Which arm made contact with the bottle</p> <p>5 before it fell to the floor, ma'am?</p> <p>6 A I don't -- I don't remember if she was</p> <p>7 right-handed or left-handed.</p> <p>8 Q So it sounds like your testimony is you</p> <p>9 don't know if her right arm or left arm made contact</p> <p>10 with the bottle before it fell to the floor, true?</p> <p>11 A I don't know.</p> <p>12 Q So the answer is true?</p> <p>13 A I do not know.</p> <p>14 MS. SADDLER: Ms. Coggins, hold on one</p> <p>15 second. I'm sorry, James. Ms. Coggins, just take a</p> <p>16 minute and listen to his question, okay?</p> <p>17 THE WITNESS: I don't know if she was</p> <p>18 right-handed or left-handed.</p> <p>19 MS. SADDLER: Hold on. If you can just</p> <p>20 listen to his question so that you're actually</p> <p>21 answering the question that he's asking, okay?</p> <p>22 THE WITNESS: Okay.</p> <p>23 BY MR. HANKINS:</p> <p>24 Q As we sit here today, you cannot say if her</p> <p>25 right arm or left arm made contact with the bottle</p>	<p style="text-align: right;">Page 64</p> <p>1 hand or left hand made contact with the bleach bottle</p> <p>2 before it fell to the floor, you don't know that</p> <p>3 either, correct?</p> <p>4 A I don't know.</p> <p>5 Q Okay. And in terms of how long the bleach</p> <p>6 bottle was on the floor before it -- on the counter</p> <p>7 before it fell to the floor, the answer is you don't</p> <p>8 know, correct?</p> <p>9 A Don't know.</p> <p>10 Q Okay. After you slipped and fell, you said</p> <p>11 the clerk came from behind the counter and tried to</p> <p>12 assist you. Is that correct?</p> <p>13 A Yes.</p> <p>14 Q Okay. I want to be clear in terms of</p> <p>15 everything you recall this clerk telling you at any</p> <p>16 point either before the incident or after, okay? So</p> <p>17 we'll start with before the incident, before you</p> <p>18 slipped and fell. As we sit here today, can you tell</p> <p>19 me, identify, any statements that she made to you?</p> <p>20 A No, I -- she didn't.</p> <p>21 Q Okay. Sounds like she didn't say anything</p> <p>22 to you at all while she was ringing you up, correct?</p> <p>23 A No.</p> <p>24 Q Okay. After you fell, please identify</p> <p>25 anything she said to you.</p>
<p style="text-align: right;">Page 63</p> <p>1 before it fell to the floor, correct?</p> <p>2 A No, I cannot.</p> <p>3 Q So the answer is "correct"?</p> <p>4 A I -- I don't know.</p> <p>5 Q Okay. So the answer is "correct." So you</p> <p>6 need to just answer the question I'm asking.</p> <p>7 MS. SADDLER: If you need him to</p> <p>8 rephrase the question, just tell him to rephrase it.</p> <p>9 If you don't understand the question, tell him you</p> <p>10 don't understand how he's phrasing the question, okay?</p> <p>11 THE WITNESS: I don't understand.</p> <p>12 BY MR. HANKINS:</p> <p>13 Q Okay. The answer is yes, no, or I don't</p> <p>14 know, and I want to be clear on this, okay? So those</p> <p>15 are the -- that's how you're going to start your</p> <p>16 answer, and then you can explain away, okay?</p> <p>17 As we sit here today at your deposition,</p> <p>18 January the 7th, 2021, did the clerk's right arm or</p> <p>19 left arm make contact with the bleach bottle before it</p> <p>20 fell to the floor?</p> <p>21 A I can't answer that question.</p> <p>22 Q Okay. So the answer is "I don't know,"</p> <p>23 correct?</p> <p>24 A I don't know.</p> <p>25 Q Okay. In terms of whether or not her right</p>	<p style="text-align: right;">Page 65</p> <p>1 A I guess she seen me falling, so she came out</p> <p>2 from behind the register and came over there, and she</p> <p>3 said, "Let me help you up." And I told her, "No, you</p> <p>4 can't -- you can't -- you can't." She said, "Let me</p> <p>5 pick you up." I said, "No, you cannot pick me up."</p> <p>6 She said, "Can you move?" I said, "No." So she was</p> <p>7 just standing there talking to me. After that, she</p> <p>8 said that somebody came in the door. Somebody came in</p> <p>9 the door, and she said that -- "Come over here and</p> <p>10 help me get her up. Let me help -- help me get her</p> <p>11 up." And the lady said, "Oh, my god," like that.</p> <p>12 So then she tried to help me up, and she --</p> <p>13 I said, "No." I said, "I can't -- I can't move." So</p> <p>14 one went in the front and one tried to get in the --</p> <p>15 no, they pulled me out first, pulled me out the</p> <p>16 bleach. The lady that came in the door pulled me out</p> <p>17 of the bleach, and then one got -- after they got me</p> <p>18 out the bleach, she came and tried to pick me up. And</p> <p>19 so she -- I said, "Get in the back of me and try to</p> <p>20 pick me up," and the other lady got in the front of</p> <p>21 me, and the -- and they pulled me out and picked me</p> <p>22 up, two ladies in the door.</p> <p>23 Q Okay. Have you identified every statement</p> <p>24 that you remember the clerk telling you at any point</p> <p>25 after you fell?</p>

<p style="text-align: right;">Page 66</p> <p>1 A She just told me to try to stand right 2 there, and I leaned on the lady. I told her to go get 3 the buggy and I can lean on the buggy. So they went 4 and got the buggy, and I leaned on the buggy. 5 Q Okay. In terms of anything that you heard 6 the clerk say to you or anyone else, have you told me 7 everything that you recall the clerk saying after you 8 fell? 9 A Yes. 10 Q Okay. 11 A She didn't say anything else. She didn't 12 say anything else. 13 Q Okay. You said a lady came in from outside 14 the store. Is that correct? 15 A Yes. 16 Q Okay. Did she work for the store, or was 17 she just a customer? 18 A I don't know. 19 Q Okay. Can you describe this lady that came 20 in from outside the store? Old, young, overweight, 21 skinny, you know, anything that you can to identify 22 her. 23 A She was -- she was a white lady, and she was 24 -- she was taller than the lady that worked there. 25 She wasn't -- she wasn't skinny and she wasn't fat, so</p>	<p style="text-align: right;">Page 68</p> <p>1 bleach," because I knew I couldn't -- the bleach was 2 slippery. The bleach was real slippery, so they 3 pulled me. I said, "Pull me out of the bleach," and 4 that's what they did. 5 Q Okay. I want to make sure we're on the same 6 page. You say "pull," like they're dragging you 7 across the floor? 8 A Yes, drug me. Drug me. 9 Q What kind of floor was it that you slipped 10 on? Tile floor? Carpet? Concrete? 11 A It was like a concrete -- not a concrete. 12 It had tile on it, store tile. 13 Q Okay. Before the ladies, the clerk and this 14 other lady who you don't know who she was tried to 15 help you up, did you try to get up on your own before 16 that? 17 A No. No. Because it wasn't anything for me 18 to try to pull myself up with there. I knew I 19 couldn't get up because I had no use of my right leg. 20 Q Okay. After the two ladies pulled you out 21 of the bleach, to use your term, and did they -- did 22 you ultimately stand up? 23 A One got behind me, yeah. Yeah. They got me 24 up. 25 Q Okay. And in terms of how you got to your</p>
<p style="text-align: right;">Page 67</p> <p>1 in between. And I don't know if she worked there or 2 not. 3 Q Do you know her name? 4 A No. 5 Q Okay. Did she ever give you a phone number? 6 A No. 7 Q Okay. Do you know if she saw you slip and 8 fall? 9 A I don't know. 10 Q Okay. Identify any statements you recall 11 this lady that came in from outside that you remember? 12 A No. 13 Q No. 14 A Okay. It sounds like as we sit here today 15 you can't recall anything that she said in your 16 presence. Is that correct? 17 A She didn't say anything. I just told her 18 "thank you." 19 Q Okay. But the two ladies. They tried to 20 help you get up. Is that correct? 21 A Yeah. 22 Q Okay. You said they tried to pull you out 23 of the bleach. What do you mean by that? 24 A When I fell, I was in the bleach, so they 25 came and pulled -- I said, "Pull me out of the</p>	<p style="text-align: right;">Page 69</p> <p>1 car, did you walk on your own? Did they assist you? 2 A I -- I was walking with my left leg. No. I 3 just said, "Open the door." They opened the door for 4 me, and I drug my leg and I walked with my left leg, 5 but I had to drag my right leg. That's why everybody 6 was asking me was I okay. 7 Q Okay. So sounds like you walked to your car 8 on your own. Is that correct? 9 A Yes. 10 Q But it sounds like you're saying -- were you 11 hopping on your left leg, or were you actually walking 12 and kind of dragging your right leg behind you? 13 A I had to drag it. 14 Q Drag it. Okay. 15 A Yes. 16 Q So you walked from the register area, out 17 the front door, and to your car dragging your right 18 leg. Is that correct? 19 A No. 20 Q No. Okay. 21 A They asked me to come over there to the 22 laptop where they was getting information about me 23 because I fell in the store. And she asked me to sit 24 down, and I told her I could not sit down. And she 25 got the information that she needed about me, and I</p>

<p style="text-align: right;">Page 70</p> <p>1 went on -- I asked somebody to -- I asked her to come 2 and open the door for me so I can go out the door. 3 I'm leaning on the cart, so I made it to my car. And 4 it was like, you know, I was just throwing the stuff 5 in there, throwing the stuff in my car. And I got in 6 my car and I sit there until my -- my -- my 7 daughter-in-law came. 8 Q Okay. So I'm going to follow up. So your 9 attorney produced a receipt from some items. I 10 understand that you -- sounds like you completed your 11 purchase. Is that correct? 12 A Yes. 13 Q Okay. So it sounds like you completed your 14 purchase after you slipped and fell. Is that correct? 15 A No. Yes, yes. No, no. Because I went to 16 the floor after I -- I paid for it. Like I said, I 17 had one more item to go. I can't remember. But I 18 remember her giving me my receipt, so it had to be 19 before I fell. I don't know. I don't remember. 20 Q Okay. So I'm going to follow up. So sounds 21 like in terms of whether or not you completed your -- 22 your purchase before or after you fell, you're just 23 not sure. Is that what you're telling me? 24 A I did my purchase. I paid -- I -- anyway, 25 it had to be afterwards because I fell. I don't</p>	<p style="text-align: right;">Page 72</p> <p>1 Q I'm sorry, did you say something else? 2 A No, I didn't. 3 Q Okay. You mentioned earlier that the -- the 4 clerk asked someone to go get another bleach bottle. 5 Do you recall that testimony? 6 A Yes. 7 Q Okay. Was that before or after you had 8 walked over to the laptop or computer that you 9 identified earlier? 10 A Evidently, it -- it had to be afterwards. 11 Q Okay. In terms of this other employee that 12 went to get another bleach bottle, can you describe 13 that employee? 14 A No. 15 Q Do you know where that employee was at the 16 time of the slip and fall? 17 A No. 18 Q Did the clerk have to get on the phone to 19 call this person up, or did they just call out for 20 this person? 21 A I don't remember. 22 Q Okay. Where was the computer in relation to 23 the counter area? 24 A Right on the -- right by the door. 25 Q Okay. In terms of walking from the counter</p>
<p style="text-align: right;">Page 71</p> <p>1 remember. I don't -- I do not remember that part. To 2 get a receipt, I -- I paid for it, so -- 3 Q Okay. I'm showing you what I'll mark as 4 Exhibit 2. This was a receipt that your attorney sent 5 to me. Is this the receipt for your purchases that 6 you made on March 7, 2019? 7 (Exhibit 2 was marked for 8 identification.) 9 A Yes. 10 Q Okay. And it looks like the timestamp there 11 is 1624. Is that correct? Can you see that? 12 A No, I cannot. 13 Q That better? 14 A No. I can't see it. Okay. 15 Q All better? 16 A Yes. 17 Q Okay. This is, in fact, your receipt from 18 that day. Is that correct? 19 A Yes. 20 Q Okay. So in terms of whether or not you 21 paid for your items before or after you fell, you're 22 just not sure. Is that correct? 23 A I -- I can't remember. 24 Q Okay. 25 A [Unintelligible response.]</p>	<p style="text-align: right;">Page 73</p> <p>1 over to the computer, did you walk over there on your 2 left foot, dragging your right foot? 3 A Yes. Holding onto the -- 4 Q Were you holding onto the shopping cart 5 while you were doing that? 6 A Yes. 7 Q Okay. 8 A Yes. 9 Q How long were you at the computer area 10 giving information to the -- the employee? 11 A I don't remember the time. I don't know the 12 time. 13 Q Okay. Once you got done talking with the 14 clerk at the computer, did you then go to your car? 15 A Yes. 16 Q Okay. And then you called your 17 daughter-in-law, Brandy, from the car. Is that 18 correct? 19 A Yes. No. I called my son and he called 20 Brandy. 21 Q Okay. You called your son, and then tell me 22 what you told him. 23 A I told him that I had fell in the store. 24 Q Okay. 25 A And he said, "Mama, what happened?" And I</p>

<p style="text-align: right;">Page 74</p> <p>1 told him what happened. And he said, "Okay, I'm going 2 to leave my job." And he said, "Let me call Brandy 3 first and see where Brandy at," because they get off, 4 like, during the same hours or something. And Brandy 5 was closer, and that's why Brandy came, so she got 6 there. 7 Q How long did it take Brandy to get to the 8 store? 9 A About three minutes. 10 Q Okay. And I think you mentioned earlier, 11 once Brandy got there she went inside the store. Is 12 that correct? 13 A Yes. 14 Q Do you know how long she was inside the 15 store? 16 A No, I don't. 17 Q Okay. When she came back out of the store, 18 did she tell you who she had spoken with? 19 A No. She showed me the paper, and I -- I 20 don't remember who she spoke to. She gave me the 21 paper. And then she -- she said -- what did she say? 22 "You got to get out of the car." She said, "You got 23 to get back out, Mama. It's no way we can get in 24 there." So she helped me get out. No. First she 25 lift the seat up, and she get -- got me out of the</p>	<p style="text-align: right;">Page 76</p> <p>1 Q Okay. Did you tell them about what body 2 parts were bothering you at the time of the visit? 3 A Yes. 4 Q Okay. And what body parts did you tell them 5 -- identify that were bothering you when you were in 6 the ER? 7 A My back, my neck, and I told them it was my 8 whole right side. 9 Q Okay. Did you tell them that your right 10 knee was bothering you? 11 A My whole right side, yes. 12 Q Did you tell them, my whole right side's 13 bothering me, or did you tell them that your right 14 knee was bothering you? That's what I mean. 15 A I told them my whole right side. I couldn't 16 do nothing. 17 Q Okay. Do you know if they did an x-ray scan 18 of your knee? 19 A They did. 20 Q Okay. Are you sure about that? 21 A Yeah. 22 Q Okay. What did the ER doctor recommend in 23 terms of follow-up care? 24 A Everything -- can I -- I just say everything 25 is in my file and can you look at that?</p>
<p style="text-align: right;">Page 75</p> <p>1 car, and then we got into her car. 2 Q And then where did you guys go next? 3 A What did we do? I think we went to my son 4 job and picked him up and went straight to the 5 hospital. 6 Q Where in town does your son work? 7 A My son worked at, I think it's Nissan. 8 Q Okay. Like one of the car lots? 9 A Yes. 10 Q Okay. Is he a salesman or a mechanic or -- 11 A He's a -- he was a supervisor. 12 Q So you recall leaving the store in your 13 daughter-in-law's car, driving to your son's office at 14 Nissan, and then going to the hospital. Is that 15 correct? 16 A Yes. 17 Q Okay. And you went to WellStar Cobb. Is 18 that correct? 19 A Yes. 20 Q Do you recall what procedures they performed 21 on you? 22 A Well, they got me in, and they talked to me 23 and asked me what happened and stuff. And then they 24 started doing x-rays, blood pressure, x-rays, and 25 heart monitors and all that kind of stuff.</p>	<p style="text-align: right;">Page 77</p> <p>1 Q So unfortunately that's not how the process 2 works, so, you know, if you don't know you can say, 3 James, I don't know what the -- I don't remember what 4 the guy told me to do. 5 A I don't because I was so upset. 6 Q Okay. 7 A And I was in so much pain. I don't 8 remember. 9 Q Okay. So the ER records reference 10 you -- the doctor recommended you follow up with 11 Dr. Huggins within three days. Did you do that? 12 A I did it. 13 Q Okay. The ER doctor recommended you follow 14 up with Dr. Sudhir Belagaje for orthopedics. Did you 15 do that? 16 A I can't remember. 17 Q Okay. When you left the emergency room, 18 where did you go next? 19 A Home. 20 Q Okay. Now, this incident happened on 21 March 7, 2019. I know you said that was a workday for 22 you. Do you remember what day of the week that was? 23 A No, can't remember. 24 Q Do you remember if the next day was a 25 workday for you?</p>

<p style="text-align: right;">Page 78</p> <p>1 A Yes, it was. I --</p> <p>2 Q Okay. Did you go to work that day?</p> <p>3 A No.</p> <p>4 Q Okay. Did you have to call out sick?</p> <p>5 A Yes. I called in.</p> <p>6 Q Who did you speak with?</p> <p>7 A My supervisor.</p> <p>8 Q And who was that at the time?</p> <p>9 A I can't remember his name.</p> <p>10 Q It was somebody with the police department?</p> <p>11 A Yes.</p> <p>12 Q Okay. And it was a call, correct?</p> <p>13 A Yes.</p> <p>14 Q What's the next medical provider you treated</p> <p>15 with after the fall at Family Dollar?</p> <p>16 A I was back at Cobb hospital again in three</p> <p>17 days, in two -- yeah, three to two days.</p> <p>18 Q So the medical records say you went back on</p> <p>19 the 15th, which I guess would have been a week later.</p> <p>20 A Well, a week, yeah. Yeah, okay.</p> <p>21 Q What led you to go back to the ER that</p> <p>22 second time on March 15th?</p> <p>23 A Because I was in so much pain.</p> <p>24 Q Okay. What specifically was bothering you</p> <p>25 when you went back to the hospital a week later?</p>	<p style="text-align: right;">Page 80</p> <p>1 Q You said they "did" your knee. What do you</p> <p>2 mean?</p> <p>3 A They checked my knee, my leg, my thigh. I</p> <p>4 had two broken rods in that, in my thigh. And they</p> <p>5 checked my back and my neck.</p> <p>6 Q You had two broken rods in your -- what do</p> <p>7 you mean?</p> <p>8 A In my -- in my thigh.</p> <p>9 Q Okay.</p> <p>10 A And they put me in a cast the second time.</p> <p>11 Q Put you in a cast or a knee immobilizer?</p> <p>12 A A knee --</p> <p>13 Q Ma'am, did you hear the question?</p> <p>14 A Yes. They put me in a knee cast.</p> <p>15 Q Okay. Was it a soft or a hard cast?</p> <p>16 A Hard.</p> <p>17 Q You said you had two broken rods. You had</p> <p>18 two broken bones in your leg?</p> <p>19 A Yes, up over my knee.</p> <p>20 Q Okay. And that's what you recall the doctor</p> <p>21 telling you?</p> <p>22 A Yes.</p> <p>23 Q In terms of any type of walking assistance</p> <p>24 device, cane, crutches, did you ever have to do that</p> <p>25 between the time -- day of the incident,</p>
<p style="text-align: right;">Page 79</p> <p>1 A My right whole -- my back, my neck, and my</p> <p>2 leg, my knee. Everything was hurting.</p> <p>3 Q Okay. Prior to this incident at Family</p> <p>4 Dollar, did you ever receive any medical treatment for</p> <p>5 either of your knees?</p> <p>6 A No.</p> <p>7 Q Prior to the incident at Family Dollar, did</p> <p>8 you ever have any knee pain in either knee?</p> <p>9 A No.</p> <p>10 Q Prior to the incident at Family Dollar, had</p> <p>11 you ever been diagnosed with arthritis in any body</p> <p>12 part?</p> <p>13 A No.</p> <p>14 Q As we sit here today, do you know if you</p> <p>15 have arthritis in any body part?</p> <p>16 A No.</p> <p>17 Q In terms of the second visit to the ER about</p> <p>18 a week later, March 15th, do you recall the procedures</p> <p>19 they performed on you?</p> <p>20 A Yes.</p> <p>21 Q Okay. What procedures did they perform on</p> <p>22 you?</p> <p>23 A The same one that's in my file, x-ray, they</p> <p>24 did my knee, and they did everything, checking me out</p> <p>25 again in the emergency room.</p>	<p style="text-align: right;">Page 81</p> <p>1 March 7, 2019, and this follow-up visit?</p> <p>2 A Yes. They put me on crutches when I first</p> <p>3 went.</p> <p>4 Q Okay.</p> <p>5 A And then when I went back, they put me in a</p> <p>6 cast -- in that cast.</p> <p>7 Q Okay. What's the next medical provider you</p> <p>8 treated with following that second ER visit, March</p> <p>9 15th?</p> <p>10 A They sent me to another doctor over there on</p> <p>11 41. I can't remember the name of it, but it is in my</p> <p>12 file.</p> <p>13 Q Okay. They sent you. Who's "they"?</p> <p>14 A The hospital did.</p> <p>15 Q Okay. So your testimony is, is that the</p> <p>16 hospital referred you to Regional Medical Group. Is</p> <p>17 that correct?</p> <p>18 A Yes.</p> <p>19 Q Okay. Where was the Regional Medical Center</p> <p>20 Group office that you treated at?</p> <p>21 A The one on 41 in Marietta.</p> <p>22 Q Okay. When you initially treated at</p> <p>23 Regional Medical Group, do you recall what procedures</p> <p>24 they performed on you?</p> <p>25 A They put me up in the MRI. First, they gave</p>

<p style="text-align: right;">Page 82</p> <p>1 me a shot in -- in my neck, and then they -- they gave</p> <p>2 me -- well, the first time I went, they gave me that</p> <p>3 shot in my neck, and then they said they was going to</p> <p>4 send me through the machine, MRI machine, so I had to</p> <p>5 go back for that.</p> <p>6 Q How many injections did you ultimately</p> <p>7 receive during the course of your treatment after the</p> <p>8 fall at Family Dollar?</p> <p>9 A I didn't understand the question.</p> <p>10 Q Sure. You testified that you received a</p> <p>11 shot. Do you recall that?</p> <p>12 A Yes. Okay. They gave me one in my neck,</p> <p>13 and then they sent me to the M-R -- they told</p> <p>14 me -- gave me an appointment for the MRI.</p> <p>15 Q Okay. You said you received a shot in the</p> <p>16 neck. Did you receive any shots to any other body</p> <p>17 parts?</p> <p>18 A No.</p> <p>19 Q Okay. And in terms of the total number of</p> <p>20 shots, it was just the one to your neck. Is that</p> <p>21 correct?</p> <p>22 A One in my neck, yes.</p> <p>23 Q Okay. Did you start physical therapy after</p> <p>24 the fall?</p> <p>25 A Yes. Yes. Not then, because they did like</p>	<p style="text-align: right;">Page 84</p> <p>1 problems with your left knee?</p> <p>2 A No.</p> <p>3 MS. SADDLER: Before you move on to</p> <p>4 your next question, it's about noon, so if you have a</p> <p>5 big more left I propose that we take a break. My</p> <p>6 client can grab a bite to eat, and we'd come back,</p> <p>7 depending on how much you have left to go.</p> <p>8 MR. HANKINS: I probably have a half</p> <p>9 hour, 40 minutes, so it's your call.</p> <p>10 MS. SADDLER: All right. Ms. Coggins,</p> <p>11 you want to go ahead and get something to eat? We can</p> <p>12 take about maybe a 20-minute break. How's that?</p> <p>13 THE WITNESS: I'm okay with it.</p> <p>14 MS. SADDLER: Okay. All right. Let's</p> <p>15 do that then.</p> <p>16 THE WITNESS: Okay. Thank you.</p> <p>17 MS. SADDLER: Is that okay with you,</p> <p>18 Mr. Hankins?</p> <p>19 MR. HANKINS: So let's just I guess</p> <p>20 reconvene at, what, 12:30?</p> <p>21 MS. SADDLER: I think that's good.</p> <p>22 MR. HANKINS: Okay. Great.</p> <p>23 REPORTER: The time is 12:04. We're</p> <p>24 off the record.</p> <p>25 (Off the record.)</p>
<p style="text-align: right;">Page 83</p> <p>1 three more MRIs, so he wanted until they got through</p> <p>2 with all of that.</p> <p>3 Q Okay. In terms of the physical therapy, did</p> <p>4 you get that at Benchmark?</p> <p>5 A Yes.</p> <p>6 Q Okay. Do you recall what body parts the</p> <p>7 physical therapy was for? Was it just your knee, or</p> <p>8 was it kind of everything?</p> <p>9 A It was my knee.</p> <p>10 Q Okay. How many times did you do physical</p> <p>11 therapy at Benchmark for your knee?</p> <p>12 A I think it was like eight treatments.</p> <p>13 Q Okay. In terms of your knees, I understand</p> <p>14 that you had a knee procedure performed earlier last</p> <p>15 year in 2020. Is that correct?</p> <p>16 A Yes, I had surgery.</p> <p>17 Q Okay. What kind of surgery?</p> <p>18 A Knee surgery.</p> <p>19 Q Okay. On which knee?</p> <p>20 A The right one.</p> <p>21 Q Okay. Have you ever had any problems with</p> <p>22 your left knee?</p> <p>23 A No.</p> <p>24 Q And just to be clear, that question is at</p> <p>25 any point, as we sit here today, have you ever had</p>	<p style="text-align: right;">Page 85</p> <p>1 REPORTER: The time is 12:33. We're</p> <p>2 back on the record.</p> <p>3 BY MR. HANKINS:</p> <p>4 Q Ms. Coggins, I wanted to follow up on your</p> <p>5 Benchmark treatments.</p> <p>6 A Okay.</p> <p>7 Q When is the last time you treated at</p> <p>8 Benchmark for physical therapy?</p> <p>9 A I really don't know the dates.</p> <p>10 Q Was it before your surgery or after your</p> <p>11 surgery?</p> <p>12 A Both before and after.</p> <p>13 Q Okay. So let's talk about the before</p> <p>14 treatments, the physical therapy sessions that you</p> <p>15 underwent prior to having surgery, okay? So based on</p> <p>16 my review of the records, looks like you</p> <p>17 treated -- started treating at Benchmark initially in</p> <p>18 May of 2019. Does that sound about right?</p> <p>19 A Yep.</p> <p>20 Q Okay.</p> <p>21 A I think so.</p> <p>22 Q And in terms of that initial therapy session</p> <p>23 at Benchmark, looks like the last time you treated</p> <p>24 there before your surgery was in the summer of 2019.</p> <p>25 Does that sound right?</p>

<p style="text-align: right;">Page 86</p> <p>1 A Yes.</p> <p>2 Q Okay. In terms of that initial round of</p> <p>3 physical therapy, did that help your symptoms you were</p> <p>4 experiencing in your right knee?</p> <p>5 A Not before surgery.</p> <p>6 Q Okay. So in terms of that initial round of</p> <p>7 physical therapy, it sounds like it didn't help at all</p> <p>8 in terms of the right knee problems you were having.</p> <p>9 A No, it did not help.</p> <p>10 Q Okay. In terms of that initial round of</p> <p>11 physical therapy, did you complete all the recommended</p> <p>12 sessions that the therapist had recommended?</p> <p>13 A Yes.</p> <p>14 Q Okay. Do you recall missing any</p> <p>15 appointments during that initial round of physical</p> <p>16 therapy?</p> <p>17 A I might have missed one, but they give you</p> <p>18 another appointment.</p> <p>19 Q So it sounds like at least in terms of if</p> <p>20 you missed one, you would have rescheduled and went.</p> <p>21 Is that correct?</p> <p>22 A They rescheduled, yeah.</p> <p>23 Q So in terms of whether or not you missed a</p> <p>24 physical therapy session in that initial round, if I</p> <p>25 understand you correctly, it may have happened, but</p>	<p style="text-align: right;">Page 88</p> <p>1 Q Okay. So your testimony is he referred you</p> <p>2 to go treat with Dr. Karsch. Is that correct?</p> <p>3 A Yes. After my MRI.</p> <p>4 Q Okay. Did you treat with any medical</p> <p>5 provider or physical therapist between that last date</p> <p>6 in June that you treated at Benchmark and your initial</p> <p>7 visit with Dr. Karsch?</p> <p>8 A No.</p> <p>9 Q Okay. When you initially treated with</p> <p>10 Dr. Karsch in August of 2019, did he ask you how you</p> <p>11 injured your knee?</p> <p>12 A Yes.</p> <p>13 Q Okay. Did you tell him how you injured your</p> <p>14 knee?</p> <p>15 A Yes. I told him I fell in the store.</p> <p>16 Q Okay. When you initially treated with</p> <p>17 Dr. Karsch, were you still using any type of walking</p> <p>18 assistance device, cane, crutches, anything like that?</p> <p>19 A Yes.</p> <p>20 Q Okay. What --</p> <p>21 A Yes.</p> <p>22 Q Okay. What kind of walking assistance</p> <p>23 device were you using at that time?</p> <p>24 A I had to have my cane.</p> <p>25 Q Okay. In terms of the residence you live</p>
<p style="text-align: right;">Page 87</p> <p>1 Benchmark would have rescheduled it and you would have</p> <p>2 gone to the rescheduled visit. Is that what you're</p> <p>3 saying?</p> <p>4 A Yes.</p> <p>5 Q Okay. Now, in terms of medical treatments,</p> <p>6 I have that initial round of physical therapy at</p> <p>7 Benchmark, you stopped there in June of 2019. Does</p> <p>8 that sound right?</p> <p>9 A I can't recall the date right now, but it's</p> <p>10 in the records.</p> <p>11 Q Okay. Why did you start treating with</p> <p>12 Dr. Karsch?</p> <p>13 A Benchmark -- my -- I think they send me to</p> <p>14 him because they said I needed a knee replacement.</p> <p>15 Q So your testimony is you recall Benchmark</p> <p>16 referring you to treat with Dr. Karsch. Is that</p> <p>17 correct?</p> <p>18 A No. The MRI specialist sent me to</p> <p>19 Dr. Karsch.</p> <p>20 Q Okay. The MRI specialist, who's that?</p> <p>21 A That's when I was going to the doctor over</p> <p>22 there on 41.</p> <p>23 Q Okay. Are you talking about the doctor at</p> <p>24 regional medical group?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 89</p> <p>1 in, is that a two-story, one-story?</p> <p>2 A I live in a two-story house.</p> <p>3 Q Okay. Bedroom's upstairs or downstairs</p> <p>4 where you sleep?</p> <p>5 A Upstairs.</p> <p>6 Q Okay. So it sounds like at least on a</p> <p>7 regular basis you're having to go up and down your</p> <p>8 stairs back --</p> <p>9 A No, I don't. No.</p> <p>10 Q Okay. Well, how did you get up to your</p> <p>11 bedroom back in the summer of 2019 if you didn't use</p> <p>12 the stairs?</p> <p>13 A I used the stairs. I'm -- I'm -- I used the</p> <p>14 stairs to come in, but I stayed up. My sons done came</p> <p>15 over and took care of me. I -- I didn't have to go</p> <p>16 downstairs. The only thing downstairs for me to use</p> <p>17 is the washroom, and I didn't have to go down.</p> <p>18 Q Are you talking about the laundry room,</p> <p>19 washer and dryer?</p> <p>20 A Yes.</p> <p>21 Q Okay. Now, did Dr. Karsch ever perform any</p> <p>22 shots to any body part?</p> <p>23 A Yes, in my knee.</p> <p>24 Q Okay. Just the right knee that he performed</p> <p>25 the shot in?</p>

<p style="text-align: right;">Page 90</p> <p>1 A Yes.</p> <p>2 Q Did the shot help?</p> <p>3 A No.</p> <p>4 Q Okay. Now, did Dr. Karsch ever explain to</p> <p>5 you that you had arthritis in your right knee?</p> <p>6 A No. I don't recall him telling me that.</p> <p>7 Q Okay. Now, Dr. Karsch performs the surgery</p> <p>8 in February of last year, 2020. Is that correct?</p> <p>9 A Yes.</p> <p>10 Q Okay. Did the knee surgery in your opinion</p> <p>11 help?</p> <p>12 A No.</p> <p>13 Q No. Okay. So let's try to do our best to</p> <p>14 try to compare and contrast how you felt before and</p> <p>15 then how you feel now, okay? So immediately prior to</p> <p>16 the knee surgery that Dr. Karsch performed, what type</p> <p>17 of problems were you experiencing with your right</p> <p>18 knee?</p> <p>19 A Now?</p> <p>20 Q So this is before, immediately before, so</p> <p>21 this would have been in the beginning part of last</p> <p>22 year, so January and February of 2020.</p> <p>23 A Okay. My knee -- my knee -- I was walking</p> <p>24 with a cane, and my knee would not even bend.</p> <p>25 I'm -- I'm like a hobbit. And I was still in pain</p>	<p style="text-align: right;">Page 92</p> <p>1 the crutches under my arms, so she brought me a</p> <p>2 walker. And I told Dr. Karsch I had already been on a</p> <p>3 walker, and he said okay.</p> <p>4 Q In terms of after the surgery, it sounds</p> <p>5 like you don't believe it helped you. Is that</p> <p>6 correct?</p> <p>7 A No.</p> <p>8 Q Okay. Did it improve any of your symptoms</p> <p>9 in your mind?</p> <p>10 A I'm still having pain.</p> <p>11 Q Okay. How does the pain you experience</p> <p>12 currently compare with the pain you felt in your knee</p> <p>13 prior to the surgery?</p> <p>14 A It's not as bad, but it is bad.</p> <p>15 Q Okay. Are you able to walk around without</p> <p>16 any walking assistance device currently?</p> <p>17 A No. I use my walker.</p> <p>18 Q Okay. So you're still having to use a</p> <p>19 walker to get around every day. Is that correct?</p> <p>20 A Not every day. Some days I do, but some</p> <p>21 days I don't. But I'm -- I'm not -- it -- it's not</p> <p>22 really fully healed yet. That's what he told me.</p> <p>23 Q In the last week, how --</p> <p>24 A I had a knee replacement. Huh?</p> <p>25 Q I'm sorry?</p>
<p style="text-align: right;">Page 91</p> <p>1 from my back and my neck, and all that pressure was</p> <p>2 going down on my right side, so it -- it didn't help</p> <p>3 at all.</p> <p>4 Q Okay. Immediately prior to getting knee</p> <p>5 surgery, it sounds like you experienced pain in your</p> <p>6 knee. Is that correct??</p> <p>7 A Yes.</p> <p>8 Q Sounds like you were having problems</p> <p>9 walking. Is that correct?</p> <p>10 A Yes.</p> <p>11 Q Okay. And it sounds like you were using a</p> <p>12 cane during that time period. Did you have to use a</p> <p>13 cane every time you got -- walked around during that</p> <p>14 time period?</p> <p>15 A Sometimes I had to use the walker.</p> <p>16 Q Okay. When did you first get a walker?</p> <p>17 A Before -- it was before surgery, but I</p> <p>18 already had a walker at home.</p> <p>19 Q Why did you have a walker at home?</p> <p>20 A Because my sister-in-law brought it up to me</p> <p>21 and I had to -- and I used it.</p> <p>22 Q Do you recall when she brought that over to</p> <p>23 your house?</p> <p>24 A No, not really. But it was like last year</p> <p>25 when I first got hurt because I was complaining about</p>	<p style="text-align: right;">Page 93</p> <p>1 A I had a knee replacement.</p> <p>2 Q So the last visit records I have show that</p> <p>3 you treated with Dr. Karsch in the summer of 2020.</p> <p>4 Does that sound right?</p> <p>5 A Yes. But he called me on the phone and we</p> <p>6 did some on the phone.</p> <p>7 Q Yeah. You had a telemed visit with him on</p> <p>8 June 9th. Does that sound right?</p> <p>9 A Yes. Yes.</p> <p>10 Q Okay. In the last week, how many times have</p> <p>11 you used some type of walking assistance device to get</p> <p>12 around?</p> <p>13 A In the last week?</p> <p>14 Q Yes, ma'am.</p> <p>15 A About every day.</p> <p>16 Q And was that the cane or the walker?</p> <p>17 A The walker.</p> <p>18 Q Okay. So over the last week, it sounds like</p> <p>19 you've had to use the walker every day to get around</p> <p>20 your house. Is that correct?</p> <p>21 A I haven't used it in about two days.</p> <p>22 Q Okay. So the last two days, have you had to</p> <p>23 use any type of walking assistance device to get</p> <p>24 around?</p> <p>25 A Not in the last two days.</p>

<p style="text-align: right;">Page 94</p> <p>1 Q Okay. And just to be clear, you haven't had 2 to use your cane in the last two days either. Is that 3 correct? 4 A Yeah, that's true. 5 Q Okay. Since you had the surgery in February 6 of 2020, how frequently do you find yourself using 7 either the cane or the walker on an average basis? 8 Couple times a week? Several times a week? 9 A Whenever it pains -- whenever it get 10 painful, then I have to get on it. 11 Q Okay. How -- 12 A It -- it -- it's painful all the time, but 13 when it swells and stuff, to keep the swelling down I 14 have to use the ice bag and my cane. 15 Q Okay. How frequently do you experience 16 swelling in your right knee? 17 A I don't know when it's going to swell. 18 Whenever it do swell. 19 Q Okay. So just listen to my question, ma'am. 20 In the last week, how many times have you found and 21 noticed your right knee swelling? 22 A Twice. 23 Q Twice, okay. 24 A Mm-hmm. It's swolled now. It's swoll up 25 now.</p>	<p style="text-align: right;">Page 96</p> <p>1 therapy help your symptoms? 2 A No. 3 Q So it sounds like it didn't help your pain 4 or any of your -- is that correct? 5 A It made my -- no, it didn't. It didn't 6 help. 7 Q Okay. So in terms of your pain level, did 8 the surgery improve that at all? 9 A No. 10 Q Okay. Let's talk about -- 11 A It haven't healed. 12 Q I'm sorry? 13 A It haven't healed. 14 Q Still hasn't healed as we sit here today? 15 A No. 16 Q Okay. Do you have any scheduled doctor's 17 visits currently? 18 A No. 19 Q You mentioned that you went to Benchmark 20 that second round about, I think you said eight times. 21 A Yes. 22 Q Do you remember when the last time that was 23 you treated with them? 24 A I think it was in -- no, I can't recall. 25 I'm sure it's in my records, though.</p>
<p style="text-align: right;">Page 95</p> <p>1 Q Okay. So your knee is swollen as we sit 2 here today during your deposition? 3 A Yes. 4 Q Okay. And have you had to use your cane or 5 walker to get around today? 6 A I put it -- I propped -- today, no, I 7 didn't. Not today. I need to, but I'm sitting down. 8 Q Okay. You mentioned that you had -- you 9 went through physical therapy both prior to surgery 10 and after. Did you have the post-surgery physical 11 therapy at Benchmark as well? 12 A Excuse me? 13 Q Earlier, you testified that you had physical 14 therapy both prior to surgery and after surgery. 15 A Yes, I did. 16 Q So my question was, in terms of where you 17 had the post-surgery, so the stuff after the knee 18 surgery, where did you get the physical therapy? 19 A Back at Benmark [sic]. 20 Q Okay. Do you recall how many times you went 21 to Benchmark for that second round of physical 22 therapy? 23 A I think I went like eight times, just two 24 months. 25 Q Okay. Did the second round of physical</p>	<p style="text-align: right;">Page 97</p> <p>1 Q Was it before or after that telemed visit 2 with Dr. Karsch? 3 A I still had some then, yes. It was after I 4 still had treatments. 5 Q Okay. I don't know if I'm following you. 6 So I think I mentioned and asked you about -- the 7 records that I have show you treated with Dr. Karsch 8 on June 9, 2020, and it was by phone, okay? 9 A Yes. 10 Q My question is about the last time you 11 treated at Benchmark. Do you recall if that was 12 before that June 9th visit with Dr. Karsch or after? 13 A It was after because I still had treatments. 14 Q Okay. By the end of the summer of 2020, 15 would you say you had completed all your physical 16 therapy in that second round? 17 A Yes. 18 Q Okay. Did Dr. Karsch tell you how long it 19 would take for your right knee to heal fully after the 20 surgery? 21 A He said it was going to take like around two 22 to -- two and a half years for it to heal completely. 23 Q Okay. Have you reached out to schedule a 24 follow-up visit with him to discuss the problems 25 you're having?</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 A Yes. When I tried to call, the office was</p> <p>2 closed, and then the secretary said because I owed a</p> <p>3 bill -- but Dr. Karsch have called me after that and</p> <p>4 checked to see how I was doing.</p> <p>5 Q You said the lady mentioned bills. What do</p> <p>6 you mean?</p> <p>7 A She said that -- that I had a bill to pay.</p> <p>8 Q Oh, okay. And did you pay it?</p> <p>9 A No. Because I didn't have the money.</p> <p>10 Q Okay. Do you know if Medicare paid any of</p> <p>11 your bills?</p> <p>12 A I can't answer that.</p> <p>13 Q Okay. Have you received any type of</p> <p>14 notifications from Medicare?</p> <p>15 A Yes, I have.</p> <p>16 Q Okay. Are they telling you that you</p> <p>17 owe -- you've got to pay them back for the medical</p> <p>18 treatments you received for your knee?</p> <p>19 A No. They just said that I got bills. It's</p> <p>20 just -- they -- I got all kind of bills.</p> <p>21 Q Okay. I know we've talked pretty</p> <p>22 extensively about your right knee. You made some</p> <p>23 mention that you've had back and neck issues as well.</p> <p>24 In your mind, do you believe you injured your back and</p> <p>25 neck in the fall?</p>	<p style="text-align: right;">Page 100</p> <p>1 back.</p> <p>2 Q Okay. And I'm trying to --</p> <p>3 A Top and bottom.</p> <p>4 Q Okay. So let's just be clear. I don't even</p> <p>5 want to go into medical diagnoses and disk</p> <p>6 herniations, any of that stuff. What part of your</p> <p>7 back bothers you currently?</p> <p>8 A To me, the pain is all over my back.</p> <p>9 Q Okay. So you're experiencing pain starting</p> <p>10 at the base of your neck and going all the way down to</p> <p>11 your waist. Is that correct?</p> <p>12 A Yes. In my neck to my back.</p> <p>13 Q Okay. So it sounds like the pain you're</p> <p>14 experiencing starts in your neck and goes all the way</p> <p>15 down to your waist. Is that correct?</p> <p>16 A Yes.</p> <p>17 Q Okay. And it sounds like you never had any</p> <p>18 problems with your neck or back prior to this</p> <p>19 incident, correct?</p> <p>20 A Correct, yes. That's right.</p> <p>21 Q Do you experience this neck to back to waist</p> <p>22 pain every day?</p> <p>23 A Yes.</p> <p>24 Q Okay. When you experience that neck to back</p> <p>25 to waist pain, what do you do? Do you take medicine,</p>
<p style="text-align: right;">Page 99</p> <p>1 A Yes.</p> <p>2 Q Okay. Prior to the incident at Family</p> <p>3 Dollar, did you ever have any problems with your back</p> <p>4 or neck?</p> <p>5 A No.</p> <p>6 Q Ever experience any pain in your back or</p> <p>7 neck?</p> <p>8 A No.</p> <p>9 Q Ever receive any medical treatments for your</p> <p>10 back or neck?</p> <p>11 A No.</p> <p>12 Q Okay. How is your back doing now as we sit</p> <p>13 here today?</p> <p>14 A Painful.</p> <p>15 Q Okay. So let's make sure we're talking</p> <p>16 about the same thing. When I say "back," what part of</p> <p>17 your back are you referring to? The upper back?</p> <p>18 Mid-back? Low back?</p> <p>19 A They say -- they say I got four disks out of</p> <p>20 place back there.</p> <p>21 Q Okay. What part --</p> <p>22 A So --</p> <p>23 Q Is that the upper part or the mid-back, the</p> <p>24 low back?</p> <p>25 A The mid -- the back. I'm going to say the</p>	<p style="text-align: right;">Page 101</p> <p>1 stretch?</p> <p>2 A I take medicine and I do have to do</p> <p>3 stretches and stuff.</p> <p>4 Q What kind of medicine do you take?</p> <p>5 A I don't know. I can't recall the -- I take</p> <p>6 a lot of medicine.</p> <p>7 Q Okay. Do you know what the medicines treat?</p> <p>8 A It's treating my pain.</p> <p>9 Q Okay. So they're pain pills?</p> <p>10 A Yes.</p> <p>11 Q Okay. Are you also taking muscle relaxers?</p> <p>12 A Yes.</p> <p>13 Q Okay. Are you taking any other medication</p> <p>14 other than pain pills or muscle relaxers currently?</p> <p>15 A Yes.</p> <p>16 Q Okay. What else are you taking?</p> <p>17 A Diabetes medicine.</p> <p>18 Q Anything else other than those three</p> <p>19 categories, diabetes medicine, pain medicine, or</p> <p>20 muscle relaxers?</p> <p>21 A No.</p> <p>22 Q In terms of the prescriptions you got</p> <p>23 filled, you got those all filled at the Publix in</p> <p>24 Powder Springs. Is that correct?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 102</p> <p>1 Q Okay. Do you find yourself having to take a</p> <p>2 pain pill every day?</p> <p>3 A Yes.</p> <p>4 Q Okay. Did you take any pain pills today for</p> <p>5 your --</p> <p>6 A Yes.</p> <p>7 Q -- injuries? Okay. Has that affected your</p> <p>8 ability to testify today?</p> <p>9 A No.</p> <p>10 Q Okay. In terms of the medications, do you</p> <p>11 have those in the house currently?</p> <p>12 A No. Yes. Yes, they in my room.</p> <p>13 MR. HANKINS: Okay. What I'd like to</p> <p>14 do is take a break, and I just want to confirm what</p> <p>15 you're taking. And since the bottles are handy, why</p> <p>16 don't we just take a five-minute break and you can go</p> <p>17 grab those, and we'll be clear about what meds you</p> <p>18 are --</p> <p>19 THE WITNESS: It's -- it's in my</p> <p>20 records. It's in my records.</p> <p>21 MR. HANKINS: Okay. So we're going to</p> <p>22 take a five-minute break, and please go grab the</p> <p>23 bottles, and we'll resume and you can read the labels</p> <p>24 to me, okay? Ma'am, did you understand the -- are you</p> <p>25 understanding what I'm asking you to do?</p>	<p style="text-align: right;">Page 104</p> <p>1 A Oh, I got --</p> <p>2 Q Just pull the bottles out and then you can</p> <p>3 read them on everybody one.</p> <p>4 A It's in my records.</p> <p>5 Q In terms of records your attorneys produced,</p> <p>6 my cutoff is in -- is June 2020, so --</p> <p>7 A I'm still taking all that medication.</p> <p>8 Q Yeah, ma'am.</p> <p>9 A That's my diabetic medicine.</p> <p>10 Q Yes, ma'am. And this is my one chance to</p> <p>11 ask you questions.</p> <p>12 A Okay.</p> <p>13 Q You're still taking medicine that you, you</p> <p>14 know, attribute -- that you relate to the injuries you</p> <p>15 suffered in a fall at my client's store, so I'm</p> <p>16 entitled to ask the questions, so --</p> <p>17 A Okay.</p> <p>18 Q -- if you could just read them off one by</p> <p>19 one. So you said Tramadol, and what's -- just read</p> <p>20 the names off.</p> <p>21 A And -- and -- and Tylenol is for that pain,</p> <p>22 and I had some more, but I don't know where that</p> <p>23 prescription -- where those prescription bottles are.</p> <p>24 Okay. And then I'm taking gupisone [ph], and then I'm</p> <p>25 taking -- hold on.</p>
<p style="text-align: right;">Page 103</p> <p>1 THE WITNESS: Yes.</p> <p>2 MR. HANKINS: Okay. So we're going to</p> <p>3 take five, and either the young lady that came on the</p> <p>4 screen a few minutes ago before we took a lunch break</p> <p>5 or you please go grab the bottles, and then you can</p> <p>6 read to me the labels, okay?</p> <p>7 THE WITNESS: Okay.</p> <p>8 MR. HANKINS: All right. Thank you.</p> <p>9 THE WITNESS: Mm-hmm.</p> <p>10 REPORTER: The time is 12:54. We're</p> <p>11 off the record.</p> <p>12 (Off the record.)</p> <p>13 REPORTER: The time is 1:09. We are</p> <p>14 back on the record.</p> <p>15 BY MR. HANKINS:</p> <p>16 Q Okay. Ma'am, so during the break you've</p> <p>17 gone and got your prescription bottles. Is that</p> <p>18 correct?</p> <p>19 A Yes. I have a lot of them.</p> <p>20 Q Okay.</p> <p>21 A Tramadol, I think that's what it is. D-A --</p> <p>22 D-R-A-M-A-D-D-L. That's the one I'm taking now with</p> <p>23 Tylenol.</p> <p>24 Q Okay. And what other medications do you</p> <p>25 have in front of you?</p>	<p style="text-align: right;">Page 105</p> <p>1 Q Sure take your time.</p> <p>2 A [Unintelligible response.] Metformin, and</p> <p>3 then I'm taking a blood pressure pill. I'm trying to</p> <p>4 see. I got a cholesterol pill. All that's for my</p> <p>5 diabetes.</p> <p>6 Q Okay. Anything else?</p> <p>7 A No, that's it.</p> <p>8 Q Okay.</p> <p>9 A Oh, and I -- I take a aspirin every day.</p> <p>10 Q For your heart?</p> <p>11 A Yes. And a vitamin. Then I take a iron</p> <p>12 tablet.</p> <p>13 Q Okay. And the prescriptions you just</p> <p>14 identified, you got those filled at the Publix. Is</p> <p>15 that correct?</p> <p>16 A Yes. All at Publix.</p> <p>17 Q And I see you switched devices on me. I</p> <p>18 think you were working off of a laptop and now you're</p> <p>19 on a iPhone. Are you able to see -- I'm going to pull</p> <p>20 something up and see if you can see it.</p> <p>21 A Okay. Yeah, my -- she didn't leave the</p> <p>22 charger for the laptop.</p> <p>23 Q Oh, I got you.</p> <p>24 A I'm sorry.</p> <p>25 MS. SADDLER: Can you do share screen</p>

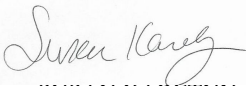
<p style="text-align: right;">Page 106</p> <p>1 again?</p> <p>2 MR. HANKINS: Yep.</p> <p>3 BY MR. HANKINS:</p> <p>4 Q Do you see that, ma'am?</p> <p>5 A Yes.</p> <p>6 Q Okay. So what are we looking at here? I'll</p> <p>7 mark this as Exhibit 3?</p> <p>8 (Exhibit 3 was marked for</p> <p>9 identification.)</p> <p>10 A That's my pants.</p> <p>11 Q Okay. These were pants you were wearing at</p> <p>12 the time of the --</p> <p>13 A Store.</p> <p>14 Q -- incident?</p> <p>15 A At the store.</p> <p>16 Q Okay. And I think this is a different</p> <p>17 vantage point. Is this another photo of your pants?</p> <p>18 (Exhibit 4 was marked for</p> <p>19 identification.)</p> <p>20 A Yes.</p> <p>21 Q Looks like the bleach is down at the lower</p> <p>22 part of the leg. Do you recall if there was any</p> <p>23 bleach basically from your knee area up to your waist?</p> <p>24 A That's the back part of my pants.</p> <p>25 Q Okay. And I guess my question is, do you</p>	<p style="text-align: right;">Page 108</p> <p>1 A Yes.</p> <p>2 Q Have you been on any vacations since the</p> <p>3 incident at Family Dollar?</p> <p>4 A No, nowhere. I'm -- I can't even go to the</p> <p>5 store by myself.</p> <p>6 Q Okay.</p> <p>7 A I mean, I'm so nervous and stuff when I go</p> <p>8 into the store. They don't let -- I don't get to go</p> <p>9 nowhere.</p> <p>10 Q What are you nervous about?</p> <p>11 A Because I'm scared I'm going to slip and</p> <p>12 fall.</p> <p>13 Q Okay. When you go to the grocery store, do</p> <p>14 you have to ride around on those little carts?</p> <p>15 A Yes.</p> <p>16 Q Okay. And I think you told me earlier you</p> <p>17 have not been back to the Family Dollar where this</p> <p>18 incident happened. Is that correct?</p> <p>19 A No, I haven't.</p> <p>20 Q We looked at a few photos today of your</p> <p>21 pants and your shoes and the bleach bottle.</p> <p>22 A Mm-hmm.</p> <p>23 Q Did you take any photos on the night of this</p> <p>24 -- the afternoon of this incident, March 7, 2019?</p> <p>25 A No. No, I didn't. I wasn't even thinking.</p>
<p style="text-align: right;">Page 107</p> <p>1 recall if there was any bleach from the knee area up</p> <p>2 to the waist region?</p> <p>3 A I don't remember if bleach got all the way</p> <p>4 up there.</p> <p>5 Q Okay.</p> <p>6 A They probably had pulled me out.</p> <p>7 Q Okay. In terms of the two pictures we just</p> <p>8 looked at of your pants, when -- how long after the</p> <p>9 incident did you take those?</p> <p>10 A How long did I take what?</p> <p>11 Q Those two pictures of the pants we just</p> <p>12 looked at, which I've marked as exhibits, I think it</p> <p>13 was 3 and 4. When did you --</p> <p>14 A Oh, I took -- I took them when my -- when my</p> <p>15 -- when my lawyer called and asked me for them. I</p> <p>16 don't know how -- I don't know how long it was. It</p> <p>17 wasn't too long after the accident.</p> <p>18 Q Okay. And what are we looking at here? I</p> <p>19 think this is Exhibit 5.</p> <p>20 (Exhibit 5 was marked for</p> <p>21 identification.)</p> <p>22 A Those the boots I had on.</p> <p>23 Q Okay. And I guess you took the picture of</p> <p>24 the boots at the same time you took the pictures of</p> <p>25 the pants. Is that correct?</p>	<p style="text-align: right;">Page 109</p> <p>1 Q Sure. Do you know if your daughter-in-law,</p> <p>2 Brandy, took any photos?</p> <p>3 A No, she didn't.</p> <p>4 Q Is Brandy the lady I've seen a couple times</p> <p>5 in the frame of the video today?</p> <p>6 A No. That was my granddaughter fixing my</p> <p>7 laptop.</p> <p>8 Q I got you.</p> <p>9 A Mm-hmm.</p> <p>10 Q Are there any activities that you just can't</p> <p>11 flat out do any more as a result of your knee or back</p> <p>12 injuries?</p> <p>13 A Is there anything I can't do?</p> <p>14 Q Yes, ma'am. So the question was, an</p> <p>15 activity that you just can't do anymore, that you used</p> <p>16 to do before and now you just don't do it or you can't</p> <p>17 do it anymore.</p> <p>18 A I don't do it.</p> <p>19 Q Okay. Can you identify some activities that</p> <p>20 would fit into that description?</p> <p>21 A I don't -- I -- I -- I used to shop a lot.</p> <p>22 Q Okay.</p> <p>23 A Me and my granddaughter, but I can't do it</p> <p>24 no more. I can't be out there a long time.</p> <p>25 Q What about other activities like --</p>

<p style="text-align: right;">Page 110</p> <p>1 A I don't have any. I'm a homebound person.</p> <p>2 Q In terms of exercise before this incident at</p> <p>3 Family Dollar, were you a walker or did you go to a</p> <p>4 gym?</p> <p>5 A Yeah. We -- we used to walk the</p> <p>6 neighborhood.</p> <p>7 Q Okay. And is your testimony you just can't</p> <p>8 do that anymore as a result of your injuries?</p> <p>9 A No, I can't.</p> <p>10 Q Are there any activities that you can do but</p> <p>11 you're limited in doing?</p> <p>12 A Yes. I have to do my exercise in the house,</p> <p>13 try to, when my leg's feeling better. I get on the</p> <p>14 bed and I'd have to do push-ups -- I mean, not</p> <p>15 push-ups. On my knee to my toes. I try to do that.</p> <p>16 I can only do about five, three, somewhere around</p> <p>17 there, sometimes.</p> <p>18 Q I'm not following you. You said you're</p> <p>19 doing push-ups?</p> <p>20 A No. I didn't mean to say push-ups. I'm</p> <p>21 sorry. I said my toe, toe, knee, like that where you</p> <p>22 stand up --</p> <p>23 Q You're talking about lifting your legs up?</p> <p>24 Is that what you mean?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 112</p> <p>1 questions I have. I'm going to review my notes and we</p> <p>2 may be done. So let's take a couple minute break, and</p> <p>3 I might be done.</p> <p>4 THE WITNESS: All right. Thank you.</p> <p>5 I'm tired.</p> <p>6 REPORTER: The time is 1:22. We're off</p> <p>7 the record.</p> <p>8 (Off the record.)</p> <p>9 REPORTER: Time is 1:24. We're back on</p> <p>10 the record.</p> <p>11 BY MR. HANKINS:</p> <p>12 Q Just a couple quick questions.</p> <p>13 You mentioned to me that you said you can</p> <p>14 only extend out your leg you said about three times in</p> <p>15 a row. Is that an exercise that the therapist</p> <p>16 recommended you do at home?</p> <p>17 A Yes.</p> <p>18 Q Okay. Is there any other exercises the</p> <p>19 therapist recommended you do at home?</p> <p>20 A Try to stand on my knee and lift my -- I</p> <p>21 mean, on my toes and lift my body up.</p> <p>22 Q Okay. Any other exercises?</p> <p>23 A Let me see. Lift my leg up. Lift my body.</p> <p>24 Try to stand on my toes. Walking up and down my hall.</p> <p>25 I have to do that -- try to do that like three or four</p>
<p style="text-align: right;">Page 111</p> <p>1 Q Okay. You're saying that you can only -- if</p> <p>2 you're in a seated position, you can only do that a</p> <p>3 few times like I just did on the screen?</p> <p>4 A Yes, yes.</p> <p>5 Q I got you. Now, in this case, we -- your</p> <p>6 attorney answered written disclosures on your behalf</p> <p>7 which required you to identify witnesses, and my</p> <p>8 question relates to the individuals named in that</p> <p>9 document. So we've already talked about Brandy and</p> <p>10 Teon, your children. My question is, you identified a</p> <p>11 general category of plaintiffs, friends, and family</p> <p>12 members. Who are you referring to when you say</p> <p>13 friends and family members who would be witnesses to</p> <p>14 some issue in this case?</p> <p>15 A Okay. I asked them be a witness and they</p> <p>16 said they didn't want to be because they didn't want</p> <p>17 to take off they jobs.</p> <p>18 Q Who are you talking about?</p> <p>19 A Talking about my son, Teon, and Brandy.</p> <p>20 Q Let me ask it this way. Are there any other</p> <p>21 family members or friends that you can identify that</p> <p>22 would be a witness to some -- in this case, either of</p> <p>23 the incident itself or your injuries?</p> <p>24 A No.</p> <p>25 MR. HANKINS: I think that's all the</p>	<p style="text-align: right;">Page 113</p> <p>1 times a day.</p> <p>2 Q Okay. Anything else?</p> <p>3 A That's about it.</p> <p>4 Q Okay. Now --</p> <p>5 A Oh, the -- yeah, that's it.</p> <p>6 Q Okay. Now, the exercises you just</p> <p>7 identified, did the therapist say you needed to do</p> <p>8 these on a daily basis?</p> <p>9 A Yes. And try to go up and down the steps.</p> <p>10 I think it's like six steps.</p> <p>11 Q Okay.</p> <p>12 A Yeah, that one.</p> <p>13 Q Okay. We already talked about the leg</p> <p>14 extensions. These other exercises you mentioned, are</p> <p>15 you able to do those?</p> <p>16 A Sometimes I can and sometimes I can't.</p> <p>17 Q Okay. What about --</p> <p>18 A I try to -- I try to -- I try to -- when I</p> <p>19 sit down, I try to stretch my leg out and bend my toes</p> <p>20 up. I do that -- I try to do that real regular so it</p> <p>21 won't stiffen up.</p> <p>22 Q Okay. What about the up and down the -- the</p> <p>23 six steps? Are you able to do that one?</p> <p>24 A Not every day. Some days I can because I</p> <p>25 got rails.</p>

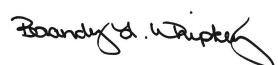
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1 MR. HANKINS: Okay. All right. Those
2 are all the questions I have.
3 THE WITNESS: Okay. Thank you.
4 MS. SADDLER: I have no follow-up.
5 We'll read and sign if it's being ordered.
6 REPORTER: Mr. Hawkins, would you like
7 to order a transcript?
8 MR. HANKINS: It's Hankins, and yes, I
9 would.
10 REPORTER: I'm sorry. I apologize.
11 MR. HANKINS: No problem.
12 REPORTER: Ms. Saddler, would you like
13 to order a transcript?
14 MR. HANKINS: A copy, yes, please.
15 Electronic is fine.
16 REPORTER: All right. Thank you. The
17 time is 1:26. We're off the record.
18 (Signature Reserved.)
19 (Whereupon, at 1:26 p.m., the
20 proceeding was concluded.)
21
22
23
24
25

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1 CERTIFICATE OF NOTARY PUBLIC
2 I, SUSAN KARETNY, the officer before whom
3 the foregoing proceedings were taken, do hereby
4 certify that any witness(es) in the foregoing
5 proceedings, prior to testifying, were duly sworn;
6 that the proceedings were recorded by me and
7 thereafter reduced to typewriting by a qualified
8 transcriptionist; that said digital audio recording of
9 said proceedings are a true and accurate record to the
10 best of my knowledge, skills, and ability; that I am
11 neither counsel for, related to, nor employed by any
12 of the parties to the action in which this was taken;
13 and, further, that I am not a relative or employee of
14 any counsel or attorney employed by the parties
15 hereto, nor financially or otherwise interested in the
16 outcome of this action
17 
18 SUSAN KARETNY
19 Notary Public in and for the
20 State of Georgia
21
22 [X] Review of the transcript was requested.
23
24
25

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1 CERTIFICATE OF TRANSCRIBER
2 I, BRANDY WHIPKEY, do hereby certify that
3 this transcript was prepared from the digital audio
4 recording of the foregoing proceeding, that said
5 transcript is a true and accurate record of the
6 proceedings to the best of my knowledge, skills, and
7 ability; that I am neither counsel for, related to,
8 nor employed by any of the parties to the action in
9 which this was taken; and, further, that I am not a
10 relative or employee of any counsel or attorney
11 employed by the parties hereto, nor financially or
12 otherwise interested in the outcome of this action.
13
14 
15 BRANDY WHIPKEY
16
17
18
19
20
21
22
23
24
25

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1 Daphne Duplessis Saddler
2 dsaddler@johnfoyle.com
3 January 21, 2021
4 RE: Coggins, Gail v. Dollar Tree Stores, Inc, Et Al.
5 1/7/2021, Gail Coggins (#4369943)
6 The above-referenced transcript is available for
7 review.
8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.
12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 Erratas-cs@veritext.com.
16
17 Return completed errata within thirty days from
18 receipt of testimony.
19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.
21
22 Yours,
23 Veritext Legal Solutions
24
25

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1 Coggins, Gail v. Dollar Tree Stores, Inc, Et Al.

2 Gail Coggins (#4369943)

3 E R R A T A S H E E T

4 PAGE____ LINE____ CHANGE____

5 _____

6 REASON_____

7 PAGE____ LINE____ CHANGE____

8 _____

9 REASON_____

10 PAGE____ LINE____ CHANGE____

11 _____

12 REASON_____

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14 _____

15 REASON_____

16 PAGE____ LINE____ CHANGE____

17 _____

18 REASON_____

19 PAGE____ LINE____ CHANGE____

20 _____

21 REASON_____

22 _____

23 _____

24 Gail Coggins Date

25

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1 Coggins, Gail v. Dollar Tree Stores, Inc, Et Al.

2 Gail Coggins (#4369943)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Gail Coggins, do hereby declare that I

5 have read the foregoing transcript, I have made any

6 corrections, additions, or changes I deemed necessary as

7 noted above to be appended hereto, and that the same is

8 a true, correct and complete transcript of the testimony

9 given by me.

10

11 _____

12 Gail Coggins Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 _____ DAY OF _____, 20____.

16

17

18 _____

19 NOTARY PUBLIC

20

21

22

23

24

25

31 (Pages 118 - 119)

[& - agree]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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